Cstaff1

From: Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent: Friday, November 17, 2023 12:13 PM
To: jwillis@crmc.ri.gov; jskenyon@crmc.ri.gov; 'CStaff'
Subject: Watch Hill Yacht Club Dredging Application 2022-11-010

All,

Further to my objection (below) to the Watch Hill Yacht Club Dredging Application 2022-11-010, which objection I filed with the CRMC by email on August 15, 2023, I hereby request an oral hearing on the aforementioned application.

Thank you for your kind consideration and assistance.

Anthony Palazzolo, Jr.

From: Anthony Palazzolo
Sent: Tuesday, August 15, 2023 1:17 PM
To: 'jwillis@crmc.ri.gov' <jwillis@crmc.ri.gov>; 'jskenyon@crmc.ri.gov' <jskenyon@crmc.ri.gov>; 'CStaff' <cstaff1@crmc.ri.gov>
Subject: CRMC Crumbled - Approved Watch Hill Yacht Club Dredging Application 2022-11-010 STILL Fails To Acknowledge Fort Road Public ROW

All,

Those of you familiar with the Watch Hill Yacht Club dredging application 2022-11-010 will recall that it was previously rejected for failure to acknowledge the Fort Road public ROW.

So I was surprised when it was recently approved by the CRMC (Re-Notice attached). When I asked the CRMC about it, I was told that the newly revised application included a letter acknowledging the public ROW and that that is all the CRMC requires. I was promised a copy of that letter for review. When it never arrived, I ordered a copy of the whole file (link below if you'd like one of your own). Although I did find a new letter (attached) that didn't acknowledge the public ROW, I still did NOT find a letter that did acknowledge the public ROW. Also, the drawings were revised but I could find neither hide nor hair of the Fort Road public ROW there either.

I ask that you please let me know if you find that which I could not. Otherwise, I ask that please join me in opposing CRMC application 2022-11-010 by the September 8, 2023 deadline.

In my opinion, ***no one can know whether this project interferes with public access without knowing exactly where the public ROW is and where the work will be performed relative to the public ROW***. This is particularly troubling because the Town of Westerly was recently sued by the Watch Hill Fire District when it attempted to resolve any such uncertainty by surveying the public ROW. The lawsuit specifically asks a judge to restrain the Town from performing that survey. I am also told that the Town would be trespassing against the Watch Hill Fire District if it tried to perform that survey without the Fire District's consent. Thus, the same critical information is still missing because the Fire District prevented the Town from obtaining it (at the Town's own cost) and the Yacht Club STILL fails to provide it.

I also note that the attached letter assures the CRMC that all dredging work will be performed in the winter ***when the beach is closed.*** I find that curious because I thought that both the wrack line plus 10 and public rights of way to the wrack line plus 10 were open all year. I also thought that private parties have no power to close them. In my opinion, ***the Yacht Club's contention that Napatree Beach is closed in the winter necessarily implies that (in the Yacht Club's view) Napatree Point has no wrack line plus 10 and that no public right of way to it exists.*** I submit that it is impossible for the Yacht Club to acknowledge things that it denies even exist. Thus, this application not only fails to acknowledge the public ROW it actually asserts that none exists.

By copy of this letter to the CRMC, I ask that the CRMC reject application 2022-11-010 at least for the reasons noted above.

Anthony Palazzolo, Jr.

Brittany Spurlock

From: Justin Skenyon <jskenyon@crmc.ri.gov>
Sent: Thursday, September 28, 2023 3:01 PM
To: Brittany Spurlock
Cc: Justin Skenyon
Subject: Re: Watch Hill Yacht Club 2022-11-010

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Brittany,

Could you add this to the file.

Thank you,
-Justin

On Fri, Aug 11, 2023 at 3:36 PM Gary Sieczkiewicz <ly64393@icloud.com> wrote:
Justin,
Thank you for your timely response.

Sent from my iPhone

On Aug 11, 2023, at 2:57 PM, Justin Skenyon <jskenyon@crmc.ri.gov> wrote:

Hello Mr. Sieczkiewic,

All material is expected to fit on the beach, there is no expectation that additional disposal location is required. The applicant has selected an area of 25,700 square feet for beach restoration, which from past experience from similar projects should be sufficient space for this amount of material. I am happy to discuss this further if you would like.

Sincerely
-Justin

--

Justin Wolf Skenyon

Principal Ocean Engineer

Coastal Resources Management Council

Oliver Stedman Government Center

Brittany Spurlock

From: Justin Skenyon <jskenyon@crmc.ri.gov>
Sent: Thursday, September 28, 2023 3:03 PM
To: Brittany Spurlock
Cc: Justin Skenyon
Subject: Re: FW: Dredging at Watt h Hill Yacht Club

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Brittany,

I could this be added to the file.

Thank you,
-Justin

On Fri, Aug 11, 2023 at 12:14 PM Cstaff1 <cstaff1@crmc.ri.gov> wrote:
Justin,
Please see below.
Thanks,
Brittany Spurlock
Assistant Administrative Officer
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
(401)783-3370

-----Original Message-----
From: Gary Sieczkiewicz <ly64393@icloud.com>
Sent: Friday, August 11, 2023 11:41 AM
To: cstaff1@crmc.ri.gov
Subject: Dredging at Watt h Hill Yacht Club

In reading my local news paper I see that the dredging application for the Watch Hill Yacht Club is in front of the CRMC.
The article in the paper states that approximately 765 cubic yards are to be dredged and that the material has been tested and is suitable to be placed at Watch Hill beach. As a life long resident of the area, there is no way 765 cu yards of material can be placed on the beach there.
Where will the remainder of the material be deposited?
Thank you for considering my concern.
Sincerely,
Gary Sieczkiewicz
Westerly,RI

Sent from my iPhone=

Cstaff1

From:	Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent:	Tuesday, August 15, 2023 1:17 PM
To:	jwillis@crmc.ri.gov; jskenyon@crmc.ri.gov; 'CStaff'
Subject:	CRMC Crumbled - Approved Watch Hill Yacht Club Dredging Application 2022-11-010 STILL Fails To Acknowledge Fort Road Public ROW
Attachments:	Letter from 2022-11-010 WHYC Dredging Application.pdf; Joint Public Re-Notice - CRMC File 2022-11-010 - Watch Hill Yacht Club - Westerly.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

All,

Those of you familiar with the Watch Hill Yacht Club dredging application 2022-11-010 will recall that it was previously rejected for failure to acknowledge the Fort Road public ROW.

So I was surprised when it was recently approved by the CRMC (Re-Notice attached). When I asked the CRMC about it, I was told that the newly revised application included a letter acknowledging the public ROW and that that is all the CRMC requires. I was promised a copy of that letter for review. When it never arrived, I ordered a copy of the whole file (link below if you'd like one of your own). Although I did find a new letter (attached) that didn't acknowledge the public ROW, I still did NOT find a letter that did acknowledge the public ROW. Also, the drawings were revised but I could find neither hide nor hair of the Fort Road public ROW there either.

I ask that you please let me know if you find that which I could not. Otherwise, I ask that please join me in opposing CRMC application 2022-11-010 by the September 8, 2023 deadline.

In my opinion, ***no one can know whether this project interferes with public access without knowing exactly where the public ROW is and where the work will be performed relative to the public ROW***. This is particularly troubling because the Town of Westerly was recently sued by the Watch Hill Fire District when it attempted to resolve any such uncertainty by surveying the public ROW. The lawsuit specifically asks a judge to restrain the Town from performing that survey. I am also told that the Town would be trespassing against the Watch Hill Fire District if it tried to perform that survey without the Fire District's consent. Thus, the same critical information is still missing because the Fire District prevented the Town from obtaining it (at the Town's own cost) and the Yacht Club STILL fails to provide it.

I also note that the attached letter assures the CRMC that all dredging work will be performed in the winter ***when the beach is closed.*** I find that curious because I thought that both the

wrack line plus 10 and public rights of way to the wrack line plus 10 were open all year. I also thought that private parties have no power to close them. In my opinion, ***the Yacht Club's contention that Napatree Beach is closed in the winter necessarily implies that (in the Yacht Club's view) Napatree Point has no wrack line plus 10 and that no public right of way to it exists.*** I submit that it is impossible for the Yacht Club to acknowledge things that it denies even exist. Thus, this application not only fails to acknowledge the public ROW it actually asserts that none exists.

By copy of this letter to the CRMC, I ask that the CRMC reject application 2022-11-010 at least for the reasons noted above.

Anthony Palazzolo, Jr.

From: Jennifer Abbruzzese
Sent: Tuesday, August 15, 2023 10:27 AM
To: palazzolo@thepatentsource.com
Subject: file request

Jennifer Abbruzzese has shared 1 file.

1 file • 18 MB total • Expires 08/22/2023 UTC

"Please find attached the file you requested in your email."

2022-11-010.pdf

PDF

18.2 MB

State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879
(401)783-3370

State of Rhode Island
Department of Environmental Management
Office of Technical and Customer Asst.
235 Promenade Street
Providence, RI 02908-5767
(401)222-6822

JOINT PUBLIC RE-NOTICE

CRMC File No.: 2022-11-010 Date: August 8, 2023

RIDEM Water Quality Certification Number: WQC 22-245 / DP 22-195

These offices have under consideration the application of:

Watch Hill Yacht Club
1 Fort Road
Westerly, RI 02891

for State of Rhode Island Assent (in accordance with the Coastal Resources Management Program), and State of Rhode Island Water Quality Certification (in accordance with Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the RIGL, as amended).

The project will include: A dredge permit to dredge the areas near the existing bulkhead. The project is estimated to remove approximately 765 cubic yards of sediment. The dredging activity will occur on the west side of the club building in an area of approximately 12,200 square feet and on the east side for approximately 4,200 square feet. The material has been tested and is acceptable for reuse on the nearby Watch Hill Beach.

Project Location: Within the Watch Hill Yacht Club MPL, near the exiting bulkhead

Street & Number: 1 Fort Road/151 Bay Street

City/Town: Westerly

Plat Number: 185 Lot Number: 31-1

Plans of the proposed work may be seen at the CRMC office in Wakefield.

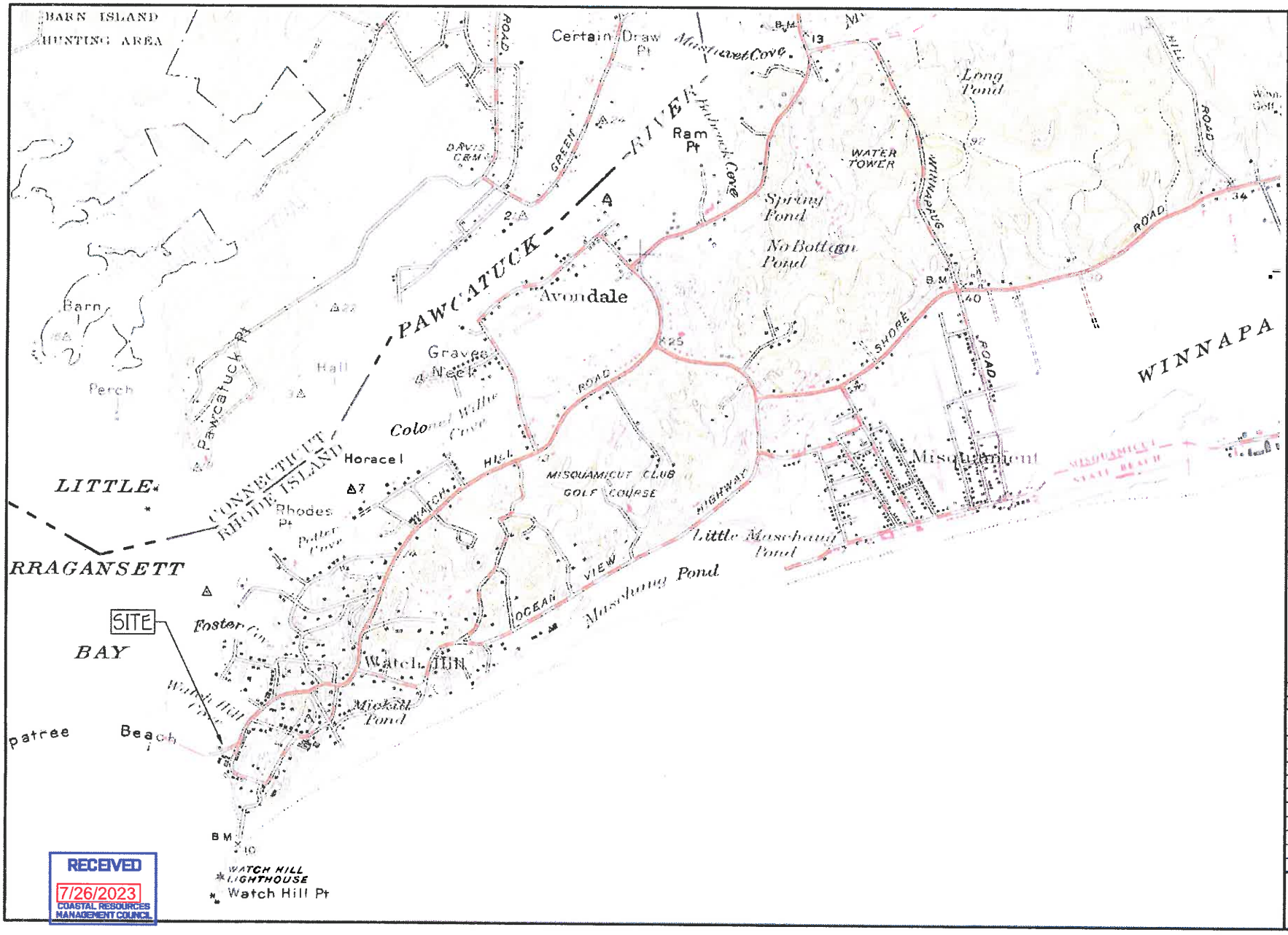
In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter. You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

This also serves as notice that the Rhode Island Department of Environmental Management, Office of Water Resources, Water Quality Certification Program has under consideration and review the same proposed activity as described above for compliance with the State's Water Quality Regulations (AUTHORITY: in accordance with Clean Water Act, as amended (33 U.S.C. 1251 et.seq.; Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the Rhode Island General Laws of 1956, as amended).

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing and be received at this office on or before **September 8, 2023**. Please provide comments via email at cstaff1@crmc.ri.gov or via USPS to Coastal Resources Management Council, O. S. Government Center, 4808 Tower Hill Road, Rm 116; Wakefield, RI 02879.

It is expected that objectors will review the application and associates plans thoroughly. Comments that pertain to this Joint Notice must be submitted in writing and must be addressed to Rhode Island Coastal Resources Management Council and Rhode Island Department of Environmental Management at the above referenced addresses.

/lat



Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

SITE LOCATION MAP

REVISIONS

No.	Description	Date
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	06/16/23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale: 1"=1,500'

SHT. 1 OF 11

LEGEND

5.5 +	EXISTING SPOT ELEVATION/SOUNDING
----5----	EXISTING CONTOUR
————	EDGE OF POND
CF-A △	COASTAL FEATURE FLAG
————	WETLAND BUFFER (50 FT.)
⌒⌒⌒	EXISTING TREE LINE
————	PROPERTY LINE
— — —W— — —	EXISTING WATER MAIN
Ⓦ	WELL
—W———W—	PROPOSED WATER SERVICE
—UE———UE—	PROPOSED UNDERGROUND ELECTRICAL
——[6]——	PROPOSED CONTOUR

DIAM.	DIAMETER
TYP.	TYPICAL
P.T.	PRESSURE TREATED
BIT. CONC.	BITUMINOUS CONCRETE
CONC.	CONCRETE
F/FLR.	FINISHED FLOOR
T.O.F.	TOP OF FOUNDATION
MLW	MEAN LOW WATER
MHW	MEAN HIGH WATER

CONSTRUCTION NARRATIVE

PROJECT DESCRIPTION

THE SUBJECT PROPERTY IS LOCATED AT 151 BAY STREET IN THE TOWN OF WESTERLY, RHODE ISLAND AND IS PART OF AN EXISTING OPERATIONAL MARINA KNOWN AS THE WATCH HILL YACHT CLUB. THE MARINA IS LOCATED WITHIN WATCH HILL COVE. THE PROPOSED SITE IMPROVEMENTS INCLUDE DREDGING APPROXIMATELY 16,400 S.F. IN ORDER TO REMOVE SAND THAT HAS COLLECTED BETWEEN THE EXISTING BUILDING AND THE EXISTING BULKHEAD. THE BUILD UP OF SEDIMENT IS THIS AREA HAS OCCURRED THROUGH PREVIOUS YEARS AND CAN BE ATTRIBUTED TO THE CURRENT WAVE ACTION AND TIDAL FLUCTUATIONS. THE DREDGING WILL OCCUR WITHIN THE APPROVED MARINA PERIMETER. THE FINAL ELEVATION AT THE COMPLETION OF DREDGING OPERATIONS WILL BE ELEVATION −3.0, ALLOWING BOATS TO BE DOCKED ON THE CLUB'S EXISTING FLOATING DOCKS. APPROXIMATELY 765 CY OF MARINE SEDIMENT WILL BE REMOVED AND TEMPORARILY STOCKPILED ON THE BEACH AREA CURRENTLY OWNED BY THE WATCH HILL FIRE DISTRICT. ONCE THE MATERIAL IS DE-WATERED, THE MATERIAL WILL BE SPREAD ON SITE WITHIN THE EXISTING BEACH AREA. DREDGING WILL BE CONDUCTED WITH A HYDRAULIC CLAM SHELL OR EXCAVATOR. THE EQUIPMENT WILL BE SETUP AT TWO LOCATIONS ON THE EXISTING PARKING LOT INORDER TO REACH THE TWO DREDGING AREAS. THE SEDIMENT WILL BE LOADED ONTO A RUBBER TRACK DUMP TRUCK AND HAULED THROUGH THE EXISTING PARKING LOT AND ONTO BAY STREET TO THE DUMP SITE, WHICH IS LOCATED ON AN EXISTING BEACH ADJACENT TO THE CARROUSEL.

CONSTRUCTION SEQUENCE

1. OBTAIN PLAN APPROVAL AND APPLICABLE PERMITS.
2. INSTALL SILT CURTAIN WITHIN DREDGING AREAS.
3. INSTALL TEMPORARY FENCING.
4. CONSTRUCTION EQUIPMENT MOBILIZATION.
5. START DREDGING. NOTE THAT DREDGING SHALL OCCUR BETWEEN OCTOBER 31ST AND JANUARY 31ST.
6. TRANSPORT AND STOCKPILE DREDGE SPOILS AS INDICATED ON THE PLANS.
7. ONCE DREDGE MATERIAL IS DRY SPREAD WITHIN EXISTING BEACH AREA.
8. FINALIZE DREDGING AND FINISH GRADING DREDGE SPOILS.

GENERAL NOTES:

1. THE SUBJECT PROPERTY IS AN EXISTING OPERATIONAL MARINA LOCATED ON WATCH HILL COVE IN THE TOWN OF WESTERLY AT THE WATCH HILL YACHT CLUB LOCATED DIRECTLY OFF OF BAY STREET IN WATCH HILL.

2. THE PROPOSED PROJECT SCOPE CONSISTS OF DREDGING A PORTION OF THE COVE BOTTOM ADJACENT TO THE EXISTING CLUB BUILDING/DOCKS SO THAT BOATS HAVE ADEQUATE DEPTH AT LOW TIDE WHEN DOCKED ON THE EXISTING FLOATING DOCKS. THE DREDGE MATERIAL WILL BE SPREAD ON THE ADJACENT BEACH THAT IS CURRENTLY OWNED BY THE WATER HILL FIRE DISTRICT. APPROXIMATELY 765 C.Y OF MATERIAL WILL BE REMOVED FROM THE DREDGE AREA.

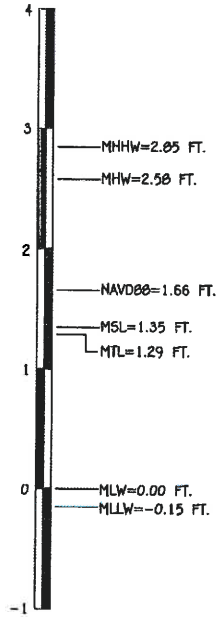
3. THE SUBJECT PROPERTY IS LOCATED ON WATCH HILL COVE PRIOR TO ENTERING LITTLE NARRAGANSETT BAY.

4. THE UTILITIES SHOWN HEREIN ARE APPROXIMATE ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.

5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY DIG-SAFE AT LEAST 72 HOURS PRIOR TO CONSTRUCTION.

6. THE SUBJECT PROPERTY IS LOCATED IN ZONE V, ELEVATION 13, PER FEMA MAP NUMBER 44009C0261J DATED OCTOBER 16, 2013.

7. ELEVATION DAUTM IS NAVD88, MLW=0.



TIDAL DATUM
ELEVATION INFORMATION FOR
WATCH HILL POINT
STATION ID: 8458694

-Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL
07-13-23

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

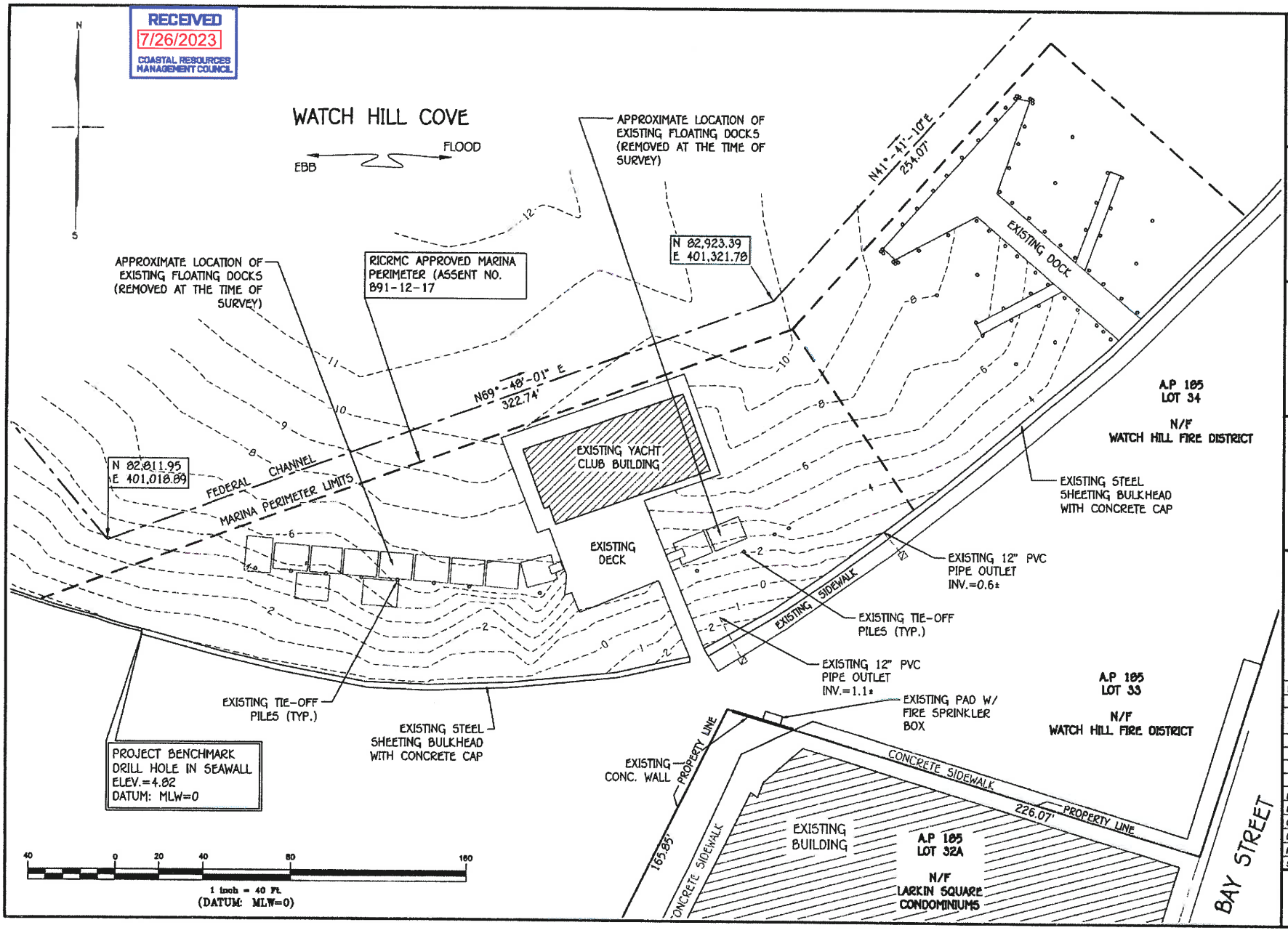
TITLE

NOTES

REVISIONS

No.	DESCRIPTION	DATE
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	08/18/23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale: None



Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

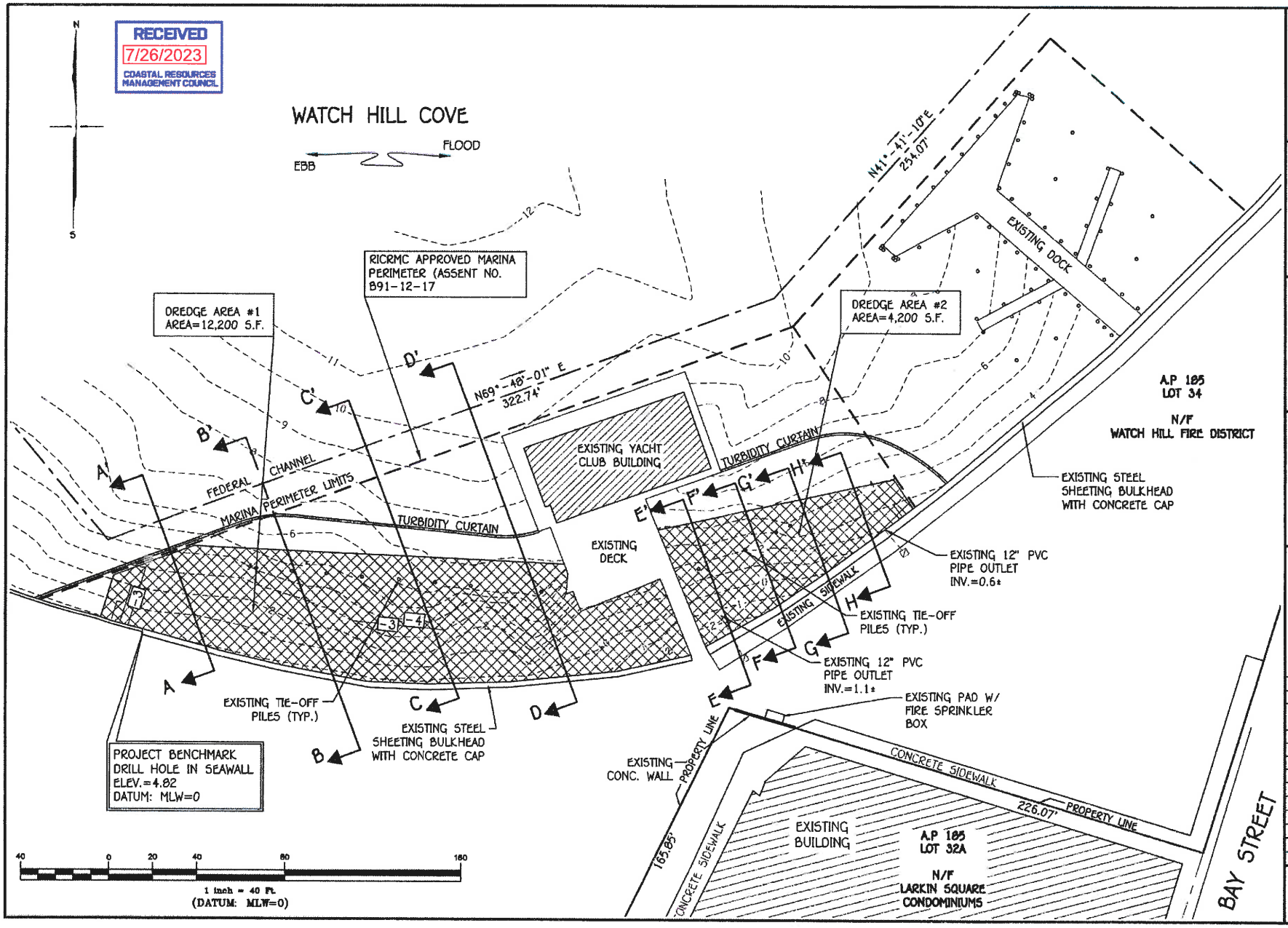
EXISTING CONDITIONS PLAN

REVISIONS

No.	Description	Date
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	06/16/23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale: 1"=40'

SHT. 3
OF 11



i-Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. MENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER
08-25-23

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

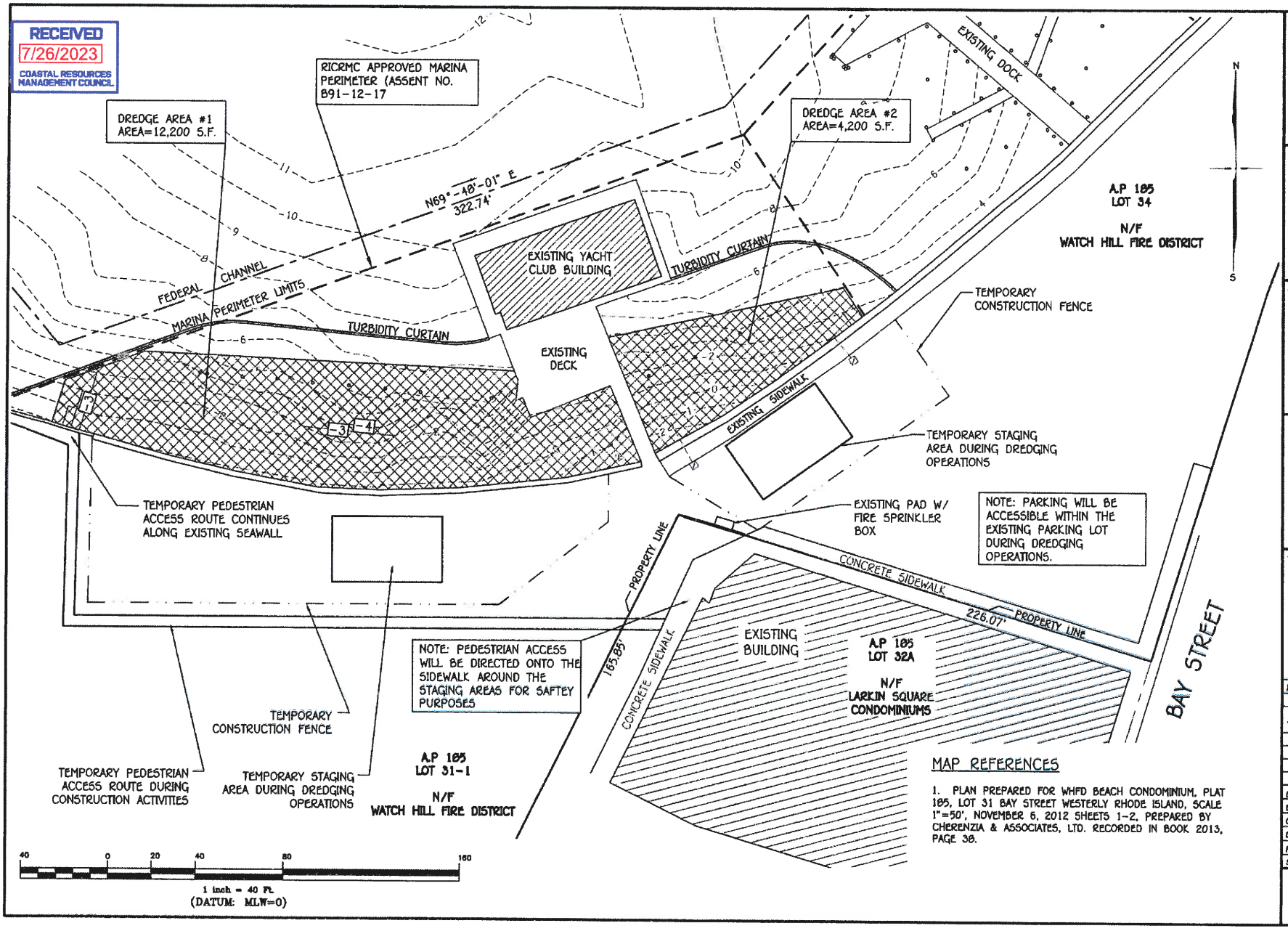
PROPOSED CONDITIONS PLAN

REVISIONS

No.	Description	Date
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	06-16-23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT NO.: 22-003
SCALE: 1"=40'

SHT. 4 OF 11



MAP REFERENCES

1. PLAN PREPARED FOR WHFD BEACH CONDOMINIUM, PLAT 105, LOT 31 BAY STREET WESTERLY RHODE ISLAND, SCALE 1"=50', NOVEMBER 6, 2012 SHEETS 1-2, PREPARED BY CHERENZIA & ASSOCIATES, LTD. RECORDED IN BOOK 2013, PAGE 38.

Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL
07-25-23

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 105
LOT 31-1

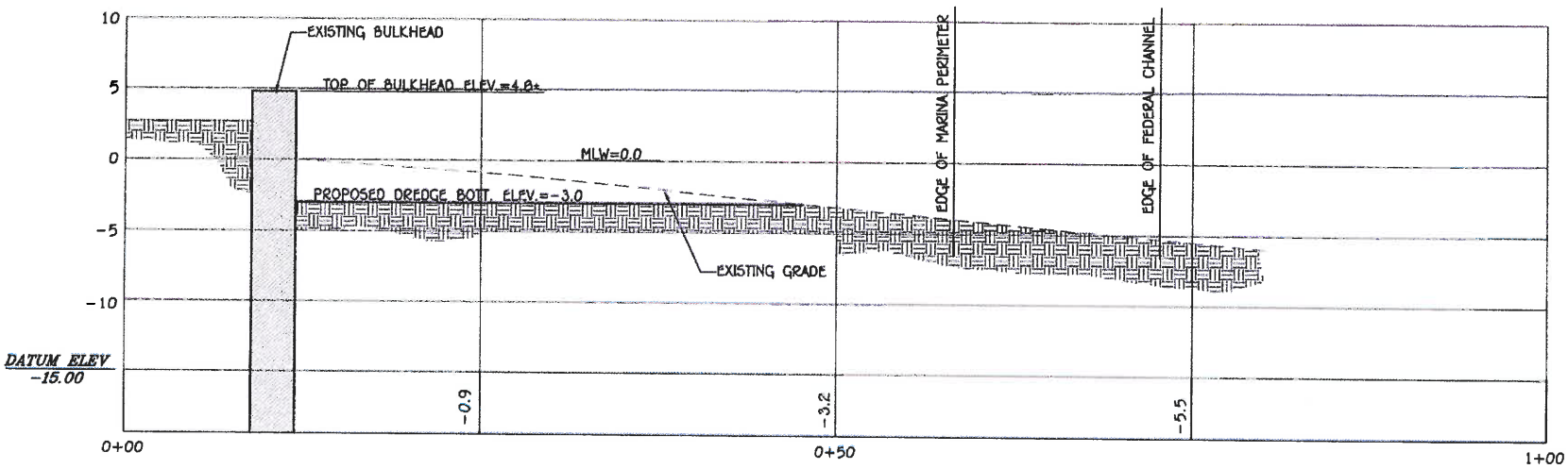
TITLE

EQUIPMENT STAGING AREA W/ TEMPORARY PEDESTRIAN ROUTE

REVISIONS

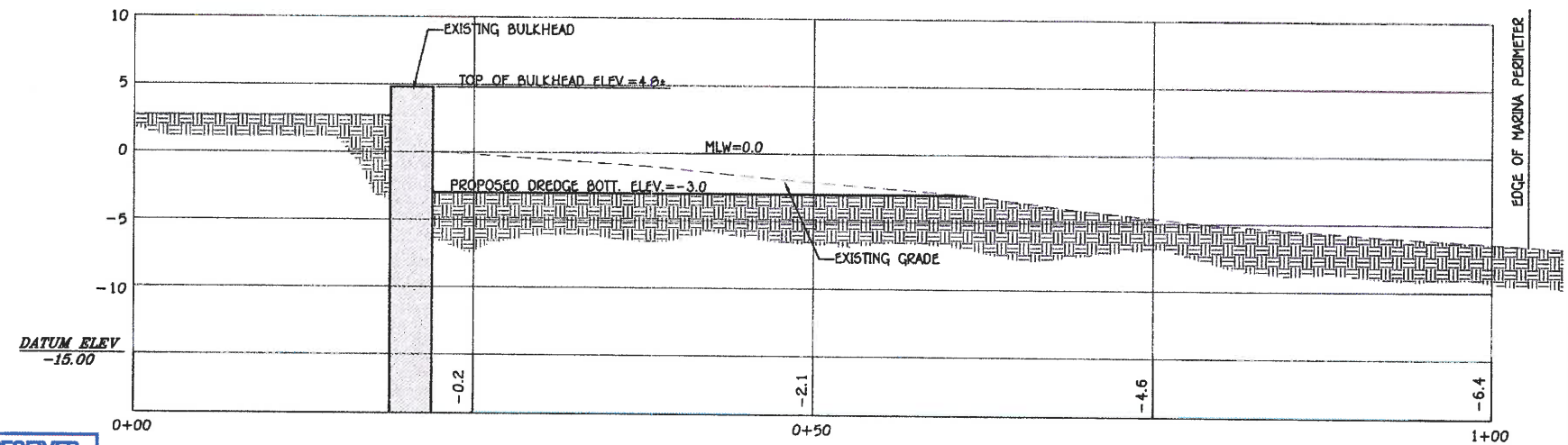
No.	Description	Date
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	06/18/23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale: 1"=40'



CROSS SECTION A-A'

SCALE: 1/8"=1'



CROSS SECTION B-B'

SCALE: 1/8"=1'

-Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER
CIVIL

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

CROSS SECTIONS

REVISIONS

No.	Description	Date
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DESIGNED BY: AAN
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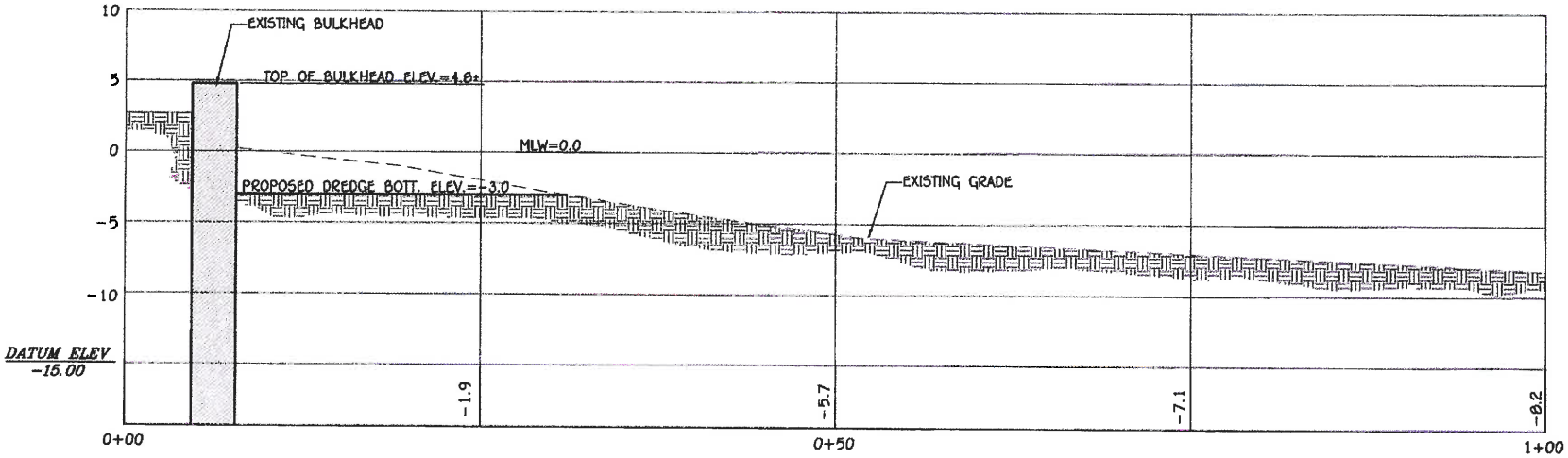
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale.: AS SHOWN



CROSS SECTION C-C'

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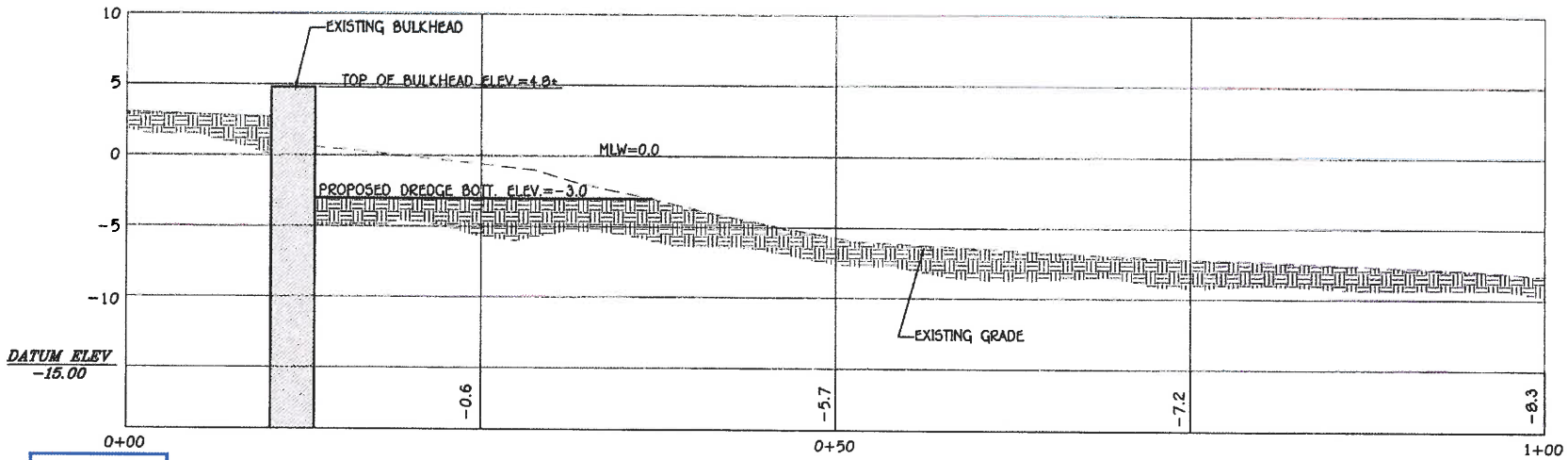

CROSS SECTION D-D'

SCALE: 1/8"=1'

Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

CROSS SECTIONS

REVISIONS

No.	Description	Date
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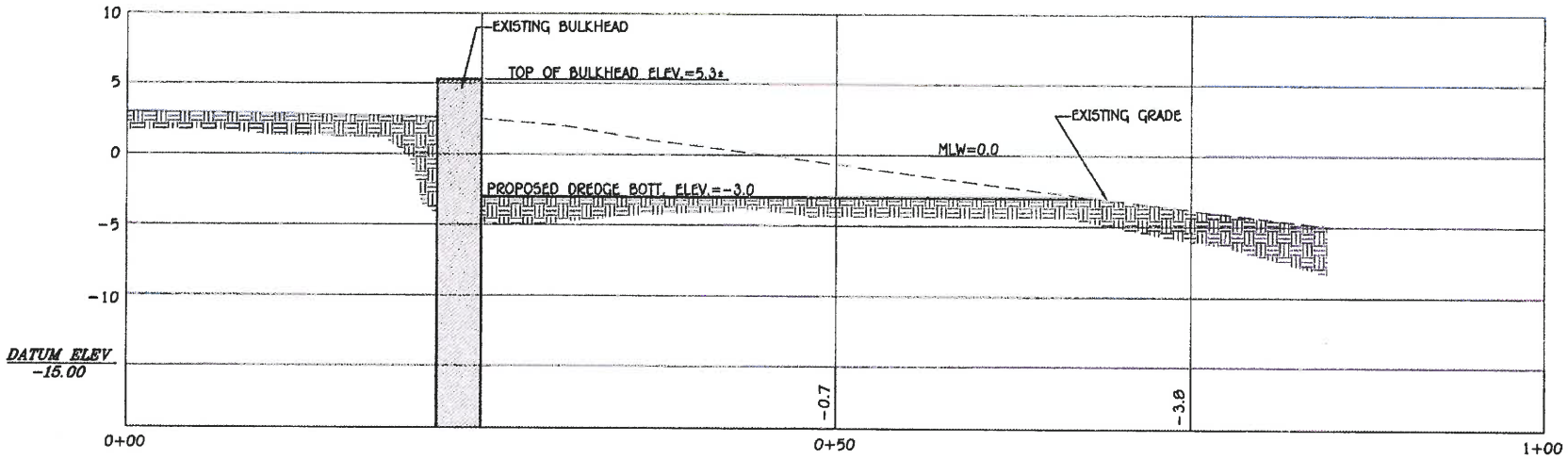
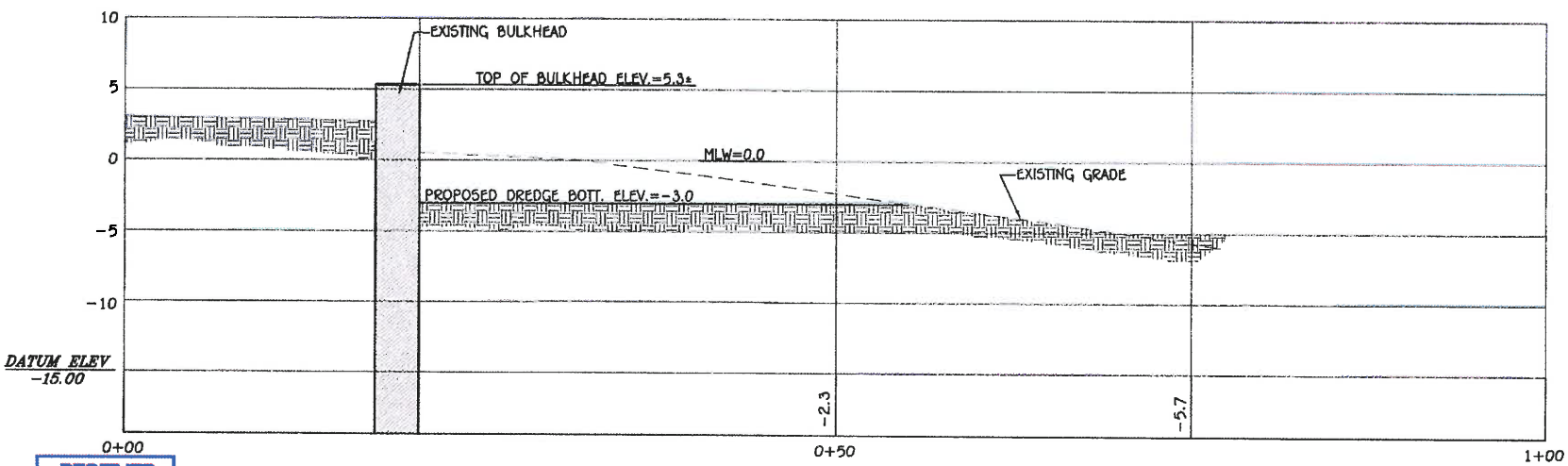
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale: None



CROSS SECTION E-E'

SCALE: 1/8"=1'



CROSS SECTION F-F'

SCALE: 1/8"=1'

Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER
CIVIL

7-7-23

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

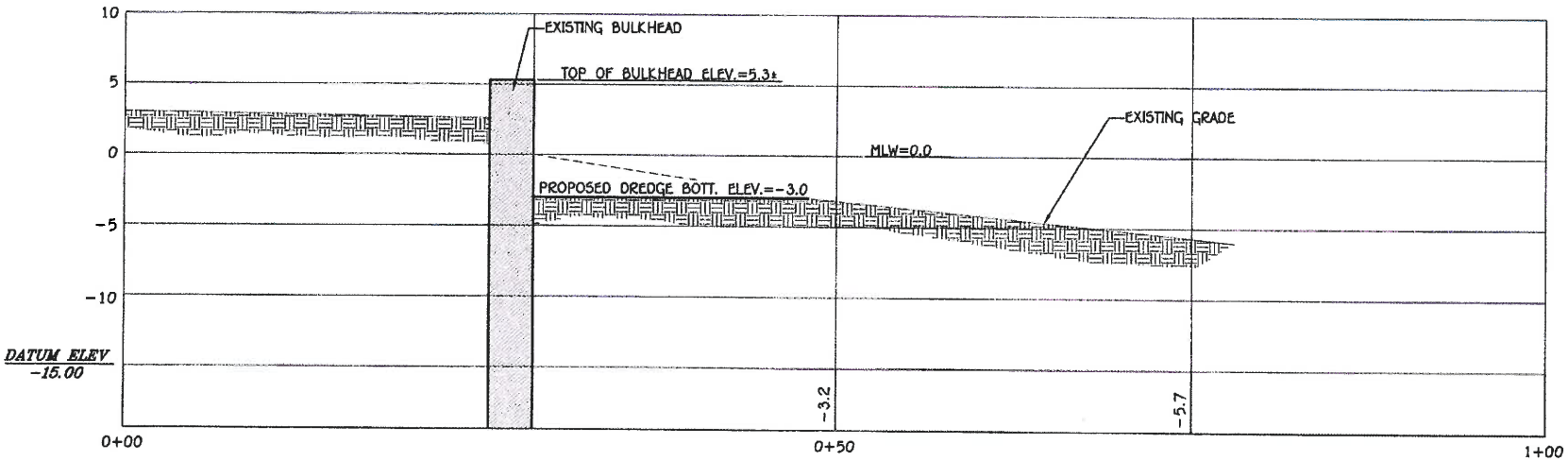
CROSS SECTIONS

REVISIONS

No.	Description	Date
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	06/16/23

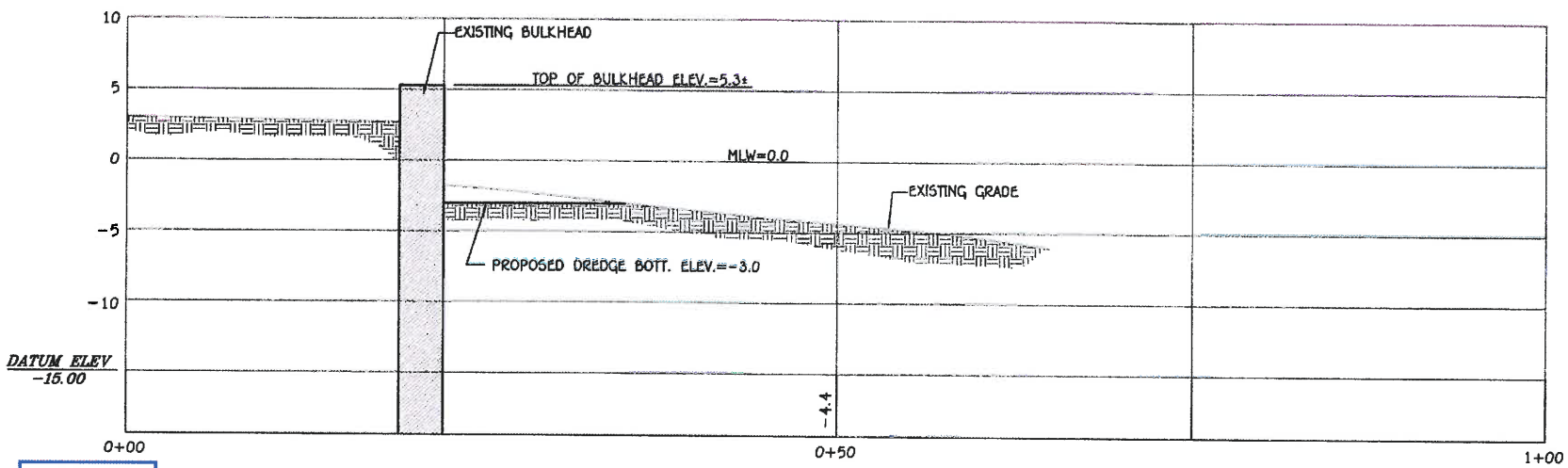
DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale: None

SHT. 8
OF 11



CROSS SECTION G-G'

SCALE: 1/8"=1'



CROSS SECTION H-H'

SCALE: 1/8"=1'

Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL

07-27-23

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

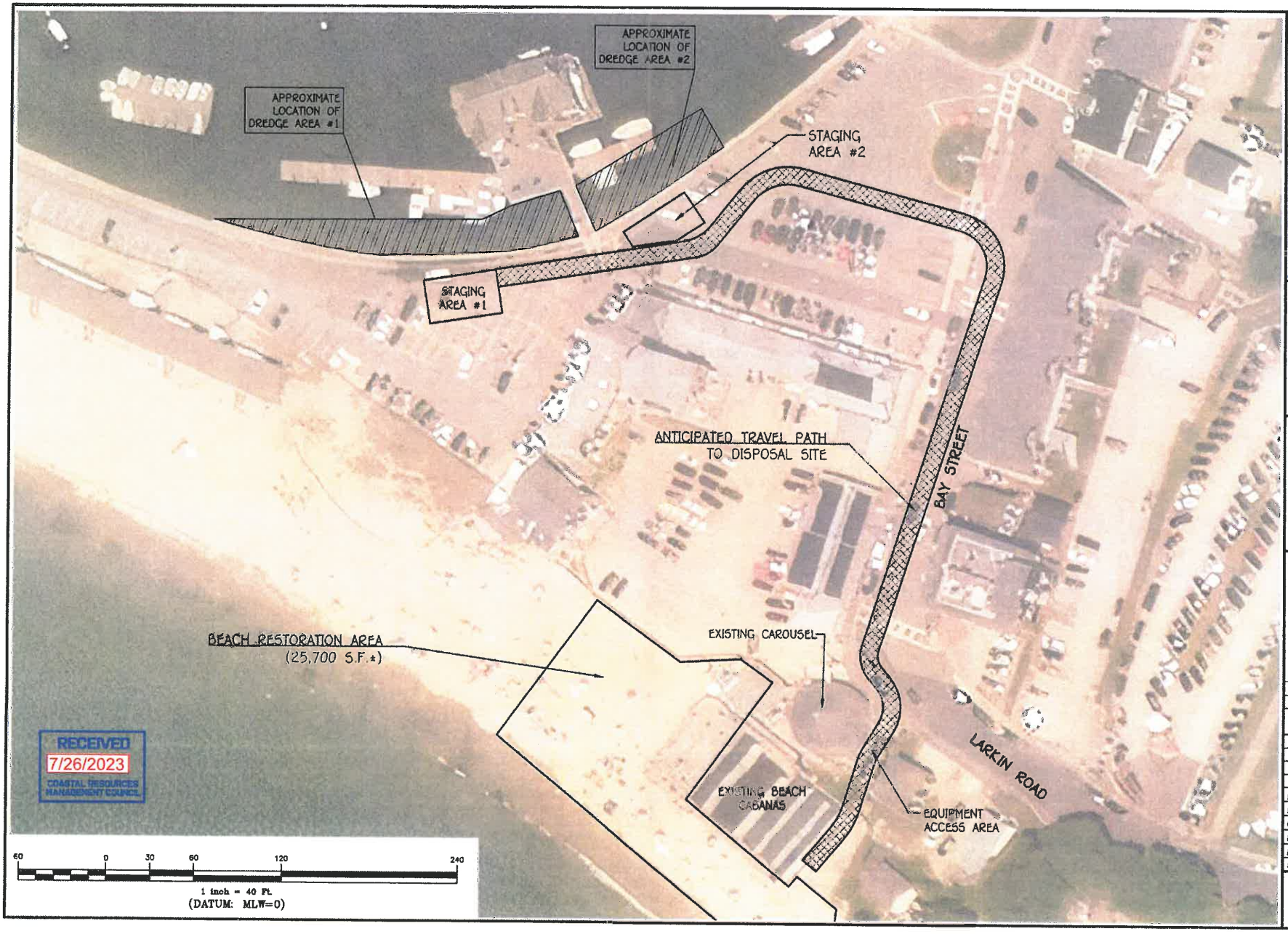
CROSS SECTIONS

REVISIONS

No.	DESCRIPTION	DATE
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	06/16/23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale.: None

SHT. 9
OF 11



-Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

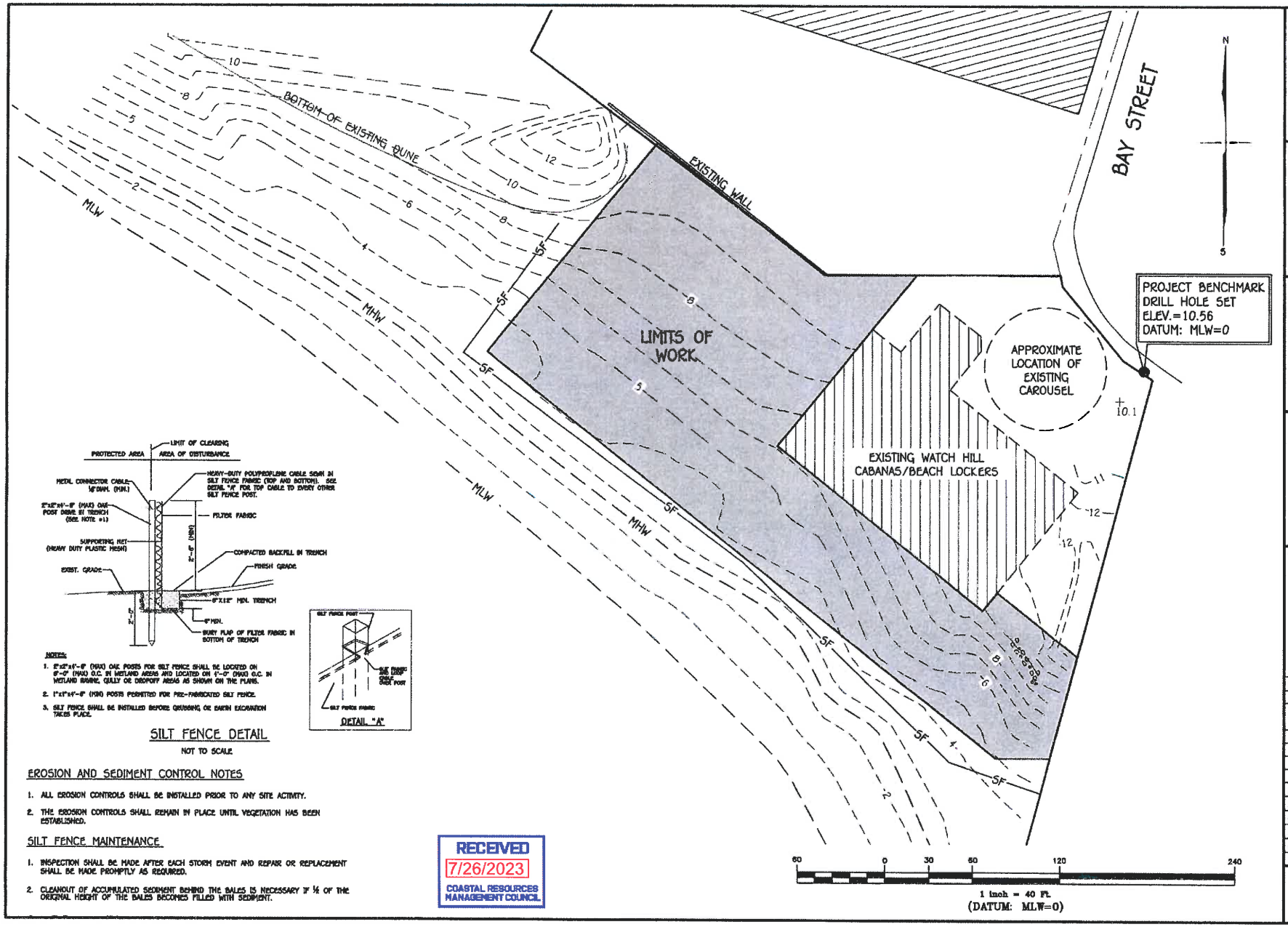
DREDGE DISPOSAL AREA PLAN

REVISIONS

No.	Description	Date
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	08/16/23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
Scale: 1"=60'

SHT. 10 OF 11



NOTES:

1. 2"x2"x4'-0" (MAX) OAK POSTS FOR SILT FENCE SHALL BE LOCATED ON 8'-0" (MAX) O.C. IN WETLAND AREAS AND LOCATED ON 4'-0" (MAX) O.C. IN WETLAND BARRIE, GULLY OR DROPOFF AREAS AS SHOWN ON THE PLANS.
2. 1"x1"x4'-0" (MIN) POSTS PERMITTED FOR PRE-FABRICATED SILT FENCE.
3. SILT FENCE SHALL BE INSTALLED BEFORE GRUBBING OR EARTH EXCAVATION TAKES PLACE.

SILT FENCE DETAIL

NOT TO SCALE

EROSION AND SEDIMENT CONTROL NOTES

1. ALL EROSION CONTROLS SHALL BE INSTALLED PRIOR TO ANY SITE ACTIVITY.
2. THE EROSION CONTROLS SHALL REMAIN IN PLACE UNTIL VEGETATION HAS BEEN ESTABLISHED.

SILT FENCE MAINTENANCE

1. INSPECTION SHALL BE MADE AFTER EACH STORM EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS REQUIRED.
2. CLEANOUT OF ACCUMULATED SEDIMENT BEHIND THE BALES IS NECESSARY IF ½ OF THE ORIGINAL HEIGHT OF THE BALES BECOMES FILLED WITH SEDIMENT.

Site Engineering, INC.
Civil & Environmental Engineering
3 Crestview Drive
Westerly, Rhode Island 02891
401-348-6831

ANTHONY A. NENNA
No. 7240
REGISTERED PROFESSIONAL ENGINEER CIVIL

PROJECT:

MAINTENANCE DREDGE AT THE WATCH HILL YACHT CLUB

WATCH HILL FIRE DISTRICT
151 BAY STREET
WESTERLY RI
A.P. 185
LOT 31-1

TITLE

DREDGE DISPOSAL SITE PLAN

REVISIONS

No.	Description	Date
1	ADDRESSED CRMC STAFF & PUBLIC COMMENTS	06/16/23

DESIGNED BY: AAN
DRAWN BY: AAN
CHECKED BY: AAN
DATE: OCTOBER 20, 2022
PROJECT No.: 22-003
SCALE: 1"=60'

SHT. 11 OF 11

On-Site Engineering INC.
Civil & Environmental Engineering

Registered in CT, RI & MA

July 25, 2023

Coastal Resources Management Council
Attn: Justin Skenyon
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, Rhode Island 02879

RE: Revised Plan Submission for Maintenance Dredge Application
CRMC Application No. 2022-11-010
Watch Hill Yacht Club
Property Address: 151 Bay Street, Westerly, RI; Plat 185, Lot 31-1
Property Owner: Watch Hill Yacht Club and The Watch Hill Fire District

Dear Mr. Skenyon:

As discussed, I am attaching four (4) sets of revised site plans for the proposed maintenance dredging at the Watch Hill Yacht Club located at 1 Fort Road in Watch Hill. This submission is in response to objections that were raised by residents between February and March 2023. In review of the objections, it was evident that the residents had a concern regarding pedestrian access across the Watch Hill Fire District's property to Napatree Point and NOT an objection to the dredging operation. As stated previously, sand continuously has been deposited and built-up at the existing bulkhead adjacent to the Watch Hill Yacht Club. This deposition of sediment can be attributed to the natural currents within the Watch Hill Cove and the close proximity to the adjacent beach dunes. In the past, the club has routinely removed the sediment build-up with the last maintenance occurring in 2007. Dredging permits have been issued by CRMC and RIDEM as far back as 1985.

The site plan changes include identifying a temporary pedestrian access route around the staging areas and along the existing bulkhead wall while the contractor is dredging within the identified areas of the existing marina perimeter. The site plan was also revised to indicate the staging areas necessary to conduct the dredging operation as well as notes stating that pedestrian access will not be obstructed during the construction activities. Temporary construction fencing

3 Crestview Drive • Westerly, RI 02891 • (401) 348-6831 • Fax (401) 315-2521 • Email: anenna@onsiteeng.com

is proposed around the staging areas for public safety. During dredging operations, pedestrians will be directed along the existing sidewalk and around the southerly end of the staging areas in order to provide access to Napatree Point. This was indicated on the plan for public safety.

It is important to note that this is a temporary process that would take place when the beach season is closed for the year. It is anticipated that the dredging would be completed within 4 weeks from start to finish. At no time will pedestrian access be restricted by construction activities.

Thank you for your consideration with this application, if you have any questions regarding this application, please feel free to call me at 401-348-6831.

Sincerely,

Anthony A. Nenna, P.E.
President

Attachments

Justin Skenyon

From: Justin Skenyon <jskenyon@crmc.ri.gov>
Sent: Wednesday, April 19, 2023 10:45 AM
To: 'Anthony Palazzolo'
Subject: RE: CRMC file - 2022-11-010 Watch Hill Yacht Club Dredging - Westerly Sun Article - Westerly councilors OK survey of Fort Road

Mr. Palazzolo,

Received and thank you for your comments and conversations on this application. I am still taken in public comment, please do not hesitate submitting more comments in the future.

Thank you again,
-Justin

--
Justin Wolf Skenyon
Principal Ocean Engineer
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, Rhode Island 02879
(401)783-3370

From: Anthony Palazzolo [mailto:palazzolo@thepatentsource.com]
Sent: Wednesday, April 19, 2023 10:31 AM
To: jskenyon@crmc.ri.gov
Subject: CRMC file - 2022-11-010 Watch Hill Yacht Club Dredging - Westerly Sun Article - Westerly councilors OK survey of Fort Road

Mr. Skenyon:

With respect to Westerly's continued affirmation of the 2008 Town-designated Fort Road ROW, please see below.

Thank you.

Sincerely,

Anthony M. Palazzolo

Westerly councilors OK survey of Fort Road
April 19, 2023 | Westerly Sun, The (RI)
Author/Byline: Ryan Blessing Sun staff writer | Page: A01 | Section: A: Main
926 Words | Readability: Lexile: 1480, grade level(s): >12

Read News Document
Some in audience urge Morrone to recuse himself for right-of-way discussion

WESTERLY - Coastal access advocates say the question of Fort Road's status as a public right of way to Napatree Point was settled more than 14 years ago.

In 2008, the Westerly Town Council passed a resolution declaring the road as a public right of way.

"Fort Road is a done deal," resident Ben Weber said. "I don't understand why that resolution and designation as a right of way is not being respected and accepted."

The council on Monday voted 4-2 to commission a survey of the road that draws on the maps incorporated when the 2008 resolution passed.

"We're going to protect it," Councilor Joy Cordio said. "We're going to make sure that my grandchildren know where that right of way is."

Council President Edward Morrone and councilor Philip Overton voted against the measure, after both initially said they would vote for it.

Morrone felt that a provision to base the survey on the 2008 data would "restrict" the surveyor's work.

Overton said a survey would not change the fact that the right of way exists.

"It's clear in my mind that Fort Road is a right of way," Overton said. "It's in the 2008 resolution. The legal challenge should have taken place in 2008 when it passed."

Overton said he's comfortable with the 2008 maps used.

"If people had a problem with the 2008 maps," he said. "They should have filed a legal challenge at that point."

Overton said the town might even wish to "go down the eminent domain route" to ensure the public keeps access. But he had reservations and, like Morrone, preferred a complete "Class 1 survey." He said the town could open itself to a legal challenge by "pigeon-holing" the survey.

Weber and several others said the survey should take into account the work done for the 2008 resolution and the maps used by the council at the time to make the designation.

"It's laid out right there for you," Weber said during public comments Monday.

The council adopted a resolution in October 2008 declaring Fort Road a public 20-foot-wide right-of-way to Napatree

See Westerly, A2

From A1

Point in perpetuity. That language does include a portion of the road that traverses a plat owned by the Watch Hill Fire District.

It also notes that officials of the fire district, which owns the majority of the land on Napatree Point and land where Fort Road intersects with Bay Street, have consistently said that the public has an unrestricted right to access Napatree Point via Fort Road.

Several public speakers asked Morrone to recuse himself from any Fort Road activity, based on revelations that he did work for the Watch Hill Fire District.

Documents from the Watch Hill Fire District show Morrone received six payments totaling $30,000 and checks dated between June 2019 and December 2021 for "general legal and professional services." It was a time when Morrone was not on the Town Council, and he has described the work as monitoring state and local issues and reporting on those matters.

"You've served in public office admirably for many years," resident James Tarbox said. "You of all people know optics are absolutely critical, especially in dealing with issues like this."

So far, Morrone has not indicated he would recuse, but has invited anyone with concerns to file a complaint with the state Ethics Commission and offered to seek an advisory opinion himself the next day.

At Morrone's request, Town Solicitor William Conley affirmed that he is able to speak about and vote on Fort Road.

"It's not a decision for you based on perception, it's a decision based on facts," Conley said. Conley also said Morrone's situation differs from a 2020 State Ethics Commission ruling involving Westerly Planning Board member Richard Constantine, a property owner in and member of the Weekapaug Fire District.

Then, the commission found Constantine to be conflicted financially and ruled against him having any say in matters regarding the Spring Avenue right of way.

That rationale does not apply here, Conley said.

Morrone said his votes to send the Everett Avenue, Spring Avenue Extension and Sand Trail right of ways to the state Coastal Resources Management Council for consideration should show where he stands.

"I believe in full access, in unimpeded full access," he said.

The council would be able to enlist longtime surveyor Al DiOrio to do the survey. DiOrio has performed previous rights-of-way work in Misquamicut and elsewhere, Westerly Conservation Commission Chairman Joseph MacAndrew said.

"He knows more about surveying rights of way than anyone else in the area," he said.

MacAndrew also asked Morrone to step out of the issue, "because there was a financial component to it."

Speakers on Monday also called for the town to forward the Fort Road case to the CRMC for a possible right of way designation.

The Westerly issue has attracted attention from other parts of the state, especially where shoreline public access issues are front and center.

"Lots of people in the state are concerned about shoreline access and how it is disappearing," South Kingstown resident Conrad Ferla said.

He said he walked Napatree Point and is worried about a piece of Fort Road he called a "no-man's land," which the Watch Hill Fire District could use to either charge for or block access to Napatree Point. He asked the council to make sure Napatree Point is open to all "forever, without any future complications," and that Morrone recuse himself.

Later, Morrone asked Ferla to leave when the latter started speaking out from the audience during council deliberation about the survey vote. Ferla left the council chambers.

rblessing@thewesterlysun.com

Caption: Morrone

Cstaff1

From:	Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent:	Saturday, February 18, 2023 11:05 PM
To:	'CStaff'
Cc:	Anthony M. Palazzolo Jr. Esq.
Subject:	RE: Opposition the Watch Hill Yacht Club dredging CRMC Application 2022-11-010
Attachments:	Town of Westerly List of Private Roads.pdf

Further to my prior filing in this matter, please find attached an official copy of the List of Private Roads in the Town of Westerly provided to me by the Town Manager's assistant. Please note that Fort Road is not on that list of private roads. Thank you.

Sincerely,

Anthony M. Palazzolo Jr.

From: Anthony Palazzolo
Sent: Saturday, February 18, 2023 10:43 PM
To: 'CStaff' <cstaff1@crmc.ri.gov>
Cc: Anthony M. Palazzolo Jr. Esq. <palazzolo@thepatentsource.com>
Subject: Opposition the Watch Hill Yacht Club dredging CRMC Application 2022-11-010

I write in opposition the Watch Hill Yacht Club dredging CRMC Application 2022-11-010 for the following reasons:

1. **The Westerly Town Council has agreed to one or more meeting agenda items by which they may request that the CRMC create a new opposition period and may oppose the Application, at least in part, because it fails to disclose the existence of and the location of the Town designated right of way known as Fort Road. See video of February 13, 2023 Town Council meeting at time = 3:48:47 presently available online at: https://westerlyri.gov/TownCouncilLive**

2. **The application omits the following material information:**
   a. **The existence of and the location of the Town designated right of way known as Fort Road**
      i. **The Town designated Fort Road ROW was created by vote of a first Town Council via the Resolution (08/09-**

67) of October 6, 2008. See attached Resolution with associated tax maps.

ii. The Town designated Fort Road ROW was confirmed by vote of a second Town Council via its inclusion in the Westerly Harbor Management Plan of 2016

iii. The Town designated Fort Road ROW was confirmed by vote of a third Town Council via its inclusion in the October 28, 2019 revisions to the Westerly Harbor Management Plan. See attached excerpts of October 28, 2019 Westerly Harbor Management Plan.

iv. The Town designated Fort Road ROW was confirmed by vote of a fourth Town Council via its inclusion in the 2020 – 2040 Westerly Comprehensive Plan.

v. The Town designated Fort Road ROW was confirmed by the State of Rhode Island via its approval of Westerly 2020 – 2040. See attached Comprehensive Plan excerpt May 5, 2021

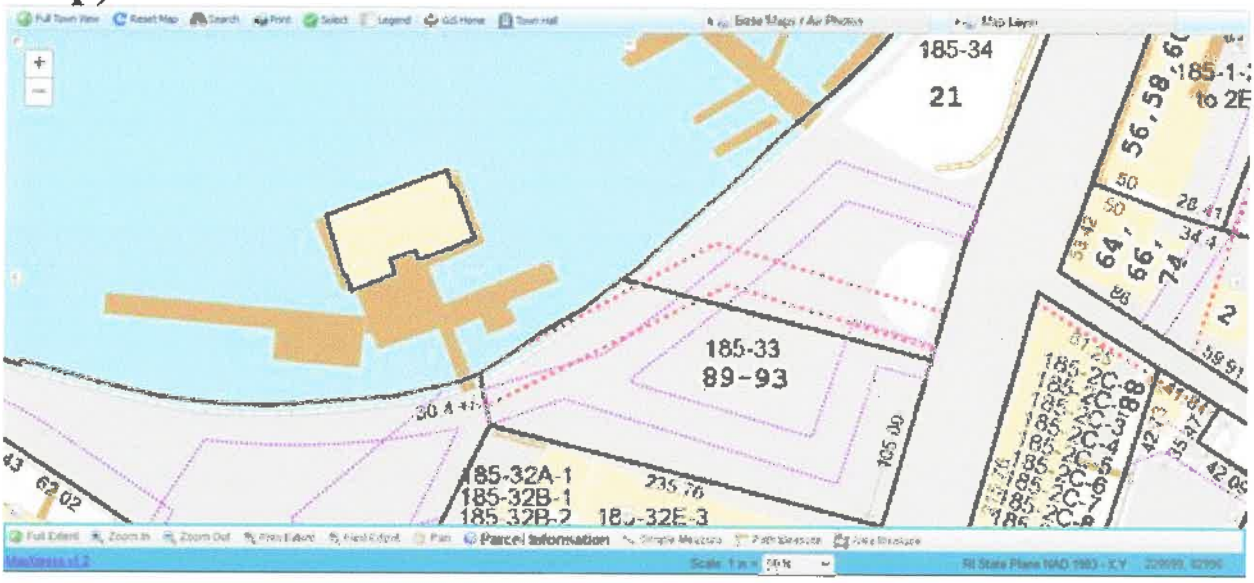
vi. The Town designated Fort Road ROW was confirmed by Westerly Town Solicitor William Conley via his November 20, 2020 letter to Jeffery Willis of the RI CRMC. See attached William Conley Esq letter of 11-20-2020 confirming of all Westerly ROWs.

vii. Westerly's response to a recent APRA request confirms that it has no documents suggesting that "… any court of competent jurisdiction has ever invalidated or in any other way limited the scope or legality of the … Resolution (08/09-67) of the Westerly Town Council dated October 6, 2008." See attached email of Mary LeBlanc of January 30, 2023 regarding "012523 APRA Request 3, 4 and 5 Regarding Fort Road".

viii. Westerly's response to a recent APRA request confirms that it has no documents suggesting that " … any Westerly Town Council has, since October 6, 2008, ever repealed, rescinded, or in any other way limited the

scope or legality of the attached Resolution (08/09-67) of the Westerly Town Council dated October 6, 2008." See attached email of Mary LeBlanc of January 30, 2023 regarding "012523 APRA Request 3, 4 and 5 Regarding Fort Road".

3. **Although no one can tell with reasonable certainty because the Fort Road ROW has not been disclosed, the Westerly GIS map (https://westerly.mapxpress.net/ags_map/) may indicate that the proposed dredging area includes the Fort Road ROW. Zooming in to a scale of 1 inch = 50 feet appears to reveal a portion of the Fort Road ROW in red dashed lines. If so, the Fort Road ROW appears to include some of the sandy beach area beyond the sea wall in the vicinity of the Yacht Club (compare application photos and maps with the following GIS map).**



Thus, the project may include removing a portion of the Town Designated Fort Road ROW. If the Applicant disagrees, the Applicant should be required to prove that the dredging project would not submerge a portion of the ROW under three feet of water and it certainly has not yet done so.

4. **Although no one can tell with reasonable certainty because the Fort Road ROW has not been disclosed, the proposed dredging**

area may remove the only practical public access to the waters of Watch Hill Harbor. The Application contains ample photos to see that a sandy beach/kayak launch now exists in the vicinity of the Yacht Club. Indeed, the Application photos show footsteps on that sandy beach. I note that one need merely step off the sea wall about 12 inch to access that gently sloping sandy beach. The Westerly GIS map and measuring tool (https://westerly.mapxpress.net/ags_map/) show that this sandy beach is about 200 feet from Bay Street public parking. These facts make the sandy beach a viable launch point for public kayakers parking on Bay Street. By contrast, the only other ROW on that harbor is Waters Edge Road South and, ironically, the nearest parking for that ROW is on Bay Street (about 2000 feet away). Indeed, when parking on Waters Edge Road was considered by the Westerly Town Council on January 25, 2021, the Council was inundated with letters from Watch Hill residents opposing parking there. The PROJECT DESCRIPTION on page 24 of the Application indicates that the whole purpose of the dredging project is to remove the public sandy beach/kayak launch so that the *private* Yacht Club can make way for its members' *private* boats to comfortably reach the Club's *private* dock. Finally, I note that, although similar projects have been allowed in 1992 and 2007, none have been permitted since the October 6, 2008 Resolution supposedly guaranteeing the public's access to the harbor in perpetuity. In my opinion, this admitted privatization is irreconcilable with the public's interest in access to the tidewaters of the State and should not be allowed.

5. **Although no one can tell with reasonable certainty because the Fort Road ROW has not been disclosed, the proposed staging area may block much of and create a hazard on the Fort Road ROW. As noted above, the Application is devoid of any reliable mapping of the Town designated Fort Road ROW. Comparing the Resolution tax maps with the Application mapping, however,**

suggests that the staging areas block/interfere with the ROW. If the Applicant disagrees, the Applicant should be required to prove that no such interference exists and it certainly has not yet done so.

6. **In my personal opinion, the fact that the Watch Hill Fire District and its representatives have (since October 6, 2008) repeatedly and flatly denied the existence of a public right of way on Napatree Point raises a concern that omission of the Town Designated Fort Road ROW from this application was not inadvertent. If so, the Applicant should not be rewarded for this omission. See attached letter of Joan Beth Brown dated November 18, 2022 ("In sum, Fort Road is neither a public road, public right of way, nor a public easement ..."). See attached letter of Gerald Petros dated October 14, 2020 (" ... Fort Road is neither a public road nor a public ROW."). See comments of Gerald Petros via Zoom Westerly Town Council meeting dated January 25, 2021 at time = 11:27 ("[Fort Road] ... is not a public right of way.").**

Sincerely,

Anthony M. Palazzolo Jr

LIST OF PRIVATE ROADS
Westerly, Rhode Island

February 2022

ALOHA ROAD
AYERS ROAD
ARROW DRIVE
BACH ROAD
BELLA VISTA TERRACE
BRAHMS ROAD
BLOSSOM COURT
CALABRIA COURT
CAMELOT COURT
CHAPMAN ROAD
~~COASTWINDS DRIVE*~~
COLLINS AVENUE
COLONEL WILLIE LANE
COMPASS WAY
COURTYARD CIRCLE
COVINGTON COURT
DONIZETTI ROAD
EAST HILLS ROAD
EQUITY LANE
FALCO CIRCLE
~~FALLON TRAIL~~*
FOUNTAIN DRIVE
GAVITT AVENUE
GERSHWIN ROAD
GOUNOD ROAD
GRIEG ROAD
GUARINO AVENUE
HANDEL ROAD
HAVENS ROAD
HAYDEN ROAD
HYDRO DRIVE
ICE POND ROAD
INDIA POINT ROAD
INWOOD LANE
INWOOD LANE SOUTH
JUNIPER LANE
KETTLE CLOSE
KIDDS WAY
LANPHERE ROAD
LIGHTHOUSE ROAD
LISZT ROAD
MACDOWELL ROAD
MAGGIO AVENUE
MASTUXET DRIVE
MEADOW AVENUE

MICHAEL'S WAY
MITCHELL LANE
MONTEGO ROAD
MOORHOUSE ROAD
MYRTLE AVENUE
NATCHAUG ROAD
NEWBURY DRIVE
NEWELL TERRACE
NIPMUC TRAIL
NOONATCH ROAD
NO BOTTOM RIDGE
OLD CARRIAGE ROAD
OLD INDIAN TRAIL
OLIVE GROVE LANE
OYSTER COVE LOOP
PIRATE'S ISLAND DRIVE
QUARTZ DRIVE
ROSSINI ROAD
ROUND HILL ROAD
SAND TRAIL
SARAH LANE
SCHUBERT ROAD
SCHUMANN ROAD
SETTLER'S LANDING
SHADY LANE
SHARON DRIVE
SHAWMUTT AVENUE
SHORE GARDENS ROAD
~~TAILWINDS LANE*~~
~~TIDEWINDS LANE*~~
THOMAS LANE
TRACKSIDE DRIVE
TRISTAM TRACE
UPLAND ROAD
VALLEY PATH
VERDI ROAD
VIOLET LANE
WARREN ROAD
WILLIAMS AVENUE
YARMOUTH DRIVE EXT.*

LIST OF PRIVATE ROADS
Westerly, Rhode Island

February 2022

*This road was added to the list on June 2, 2020 per request of Ellie Derrig and Town Manager Rooney. It is a portion of Yarmouth Drive from Cohasset Way to Tom Harvey Road.
*Fallon Trail was removed from the list on December 15, 2020 per the request of Ellie Derrig and Town Manager Rooney, and supported by the passage of Council Resolution 20/21-40 at the December 14, 2020 Council Meeting.
*The spellings of "Handel Road" and "Schumann Road" were amended from "Hannel" and "Schuman" upon email request of Ellie Derrig on August 10, 2021.
*Coastwinds Drive, Tailwinds Lane and Tidewinds Lane were removed from this list per Council Resolution 21/22-46 dated 12/6/2021 accepting these roads into the Town's roadway system.

Cstaff1

From: jason jarvis <buddhajay108@yahoo.com>
Sent: Sunday, February 19, 2023 8:23 AM
To: cstaff1@crmc.ri.gov; council@crmc.ri.gov; Shawn Lacey
Cc: McManus Conor (DEM); info@asmfc.org; karen.greene@noaa.gov
Subject: Dredging watch hill yacht club and fort rd

Captain Jason D Jarvis
70 Beach street
Westerly RI 02891,

To whom it may concern,

I am writing to you in opposition of the WHYC dredging application. As with most issues related to Watch Hill and ROWS ,this has not been properly vetted through the public hearing process. Or through fisheries impacts and ecological impact studies.

Besides issues related to the Fort rd right of way ,there have been no considerations regarding the use of this area by recreational and commercial fishermen. Napatree point Sandy Point and watch hill cove are important parts to the Tidal rivers ecosystem. I personally harvest Menhaden, Striped bass,horseshoe crab, finger mullet, summer flounder and silversides from watch hill cove, especially in the shoal waters along the wall where this dredging is proposed.

The Horseshoe crab population is in trouble . This entire shoreline is important for the horseshoe crab spawning season. Horseshoe crabs require shoal sand and mud flats to spawn. There has been no consideration for this impact. The sad truth is that if this were and oyster farm request it would be vetted for a year or more. The Watch Hill fire district and watch Hill conservancy are a conduit for the privatization and eventual initiation of a gated privatized waterfront. This violates the RI constitution. This is also shows the two faces of the conservancy . Are they initiating conservation efforts to protect the tidal river ecosystem or are the initiating a front for the protection of Westerly's / Watch hill's affluent part time residents. I think its time to approach dredging projects with a broader lense. The proposed need for this project is to create more area for recreational vessels . I feel the fragile ecosystem outweighs the needs of Watch Hill Yacht clubs boating preferences .

I oppose this entire dredging project ,the unknown ecological consequences that may impact an already troubled species like the Horseshoe crab and its spawning area are unacceptable. The information below comes from NMFS,NOAA. ASMFC and GARFO. Horseshoe crabs are in trouble in our waters and this dredging project could have a serious impact on the Horseshoe crabs spawning area.

Horseshoe Crabs: Managing a Resource for Birds, Bait, and Blood

Horseshoe Crabs: Managing a Resource for Birds, Bait, and Blood

Because horseshoe crabs are so important as a food source for shorebirds, as bait, and for human health, their h...

Management Challenge

We know little about the status of the horseshoe crab population, but from data we do have, it seems that horseshoe crab abundance has increased in the southeast (North Carolina through Florida) and remains stable in the Delaware Bay region (New Jersey through Virginia). ***However, horseshoe crabs appear to be decreasing in the New York and New England regions.***

Because horseshoe crabs are so important as a food source for shorebirds, as bait, and for human health, their harvest is closely managed by the Atlantic States Marine Fisheries Commission. A wide variety of federal agencies including NOAA Fisheries' Habitat Conservation Division, the U.S. Fish and Wildlife Service, the U.S Army Corps of Engineers, and many state, local and non-governmental partners work to protect and to restore horseshoe crab habitat so that horseshoe crabs, and shorebirds, can enjoy their day at the beach as much as people do.

Thank you Sincerely
Captain Jason D Jarvis

Cstaff1

From:	Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent:	Saturday, February 18, 2023 10:43 PM
To:	'CStaff'
Cc:	Anthony M. Palazzolo Jr. Esq.
Subject:	Opposition the Watch Hill Yacht Club dredging CRMC Application 2022-11-010
Attachments:	WH Letter Falsely Stating No Public ROW and No Public Land On Napatree.pdf; 2008 FORT ROAD RESOLUTION & CERTIFIED ASSESSOR MAPS OF ROW.pdf; Westerly Responses to Fort Road APRA Requests 3, 4, and 5.pdf; William Conley Esq Affirms ROWs in Letter of 11-20-2020.pdf; 5-5-2021 STATE APPROVED Westerly Comprehensive Plan Lists Fort Road As a Town ROW.pdf; WHMP 10-28-2019 Fort Road Is Listed as a Town ROW in WHMP - page 42.pdf; WHMP 10-28-2019 Title Page.pdf; Joan Beth Brown Letter Referencing Memorandum of Law Regarding Fort Rd.pdf

I write in opposition the Watch Hill Yacht Club dredging CRMC Application 2022-11-010 for the following reasons:

1. **The Westerly Town Council has agreed to one or more meeting agenda items by which they may request that the CRMC create a new opposition period and may oppose the Application, at least in part, because it fails to disclose the existence of and the location of the Town designated right of way known as Fort Road. See video of February 13, 2023 Town Council meeting at time = 3:48:47 presently available online at: https://westerlyri.gov/TownCouncilLive**

2. **The application omits the following material information:**
    a. **The existence of and the location of the Town designated right of way known as Fort Road**
        i. **The Town designated Fort Road ROW was created by vote of a first Town Council via the Resolution (08/09-67) of October 6, 2008. See attached Resolution with associated tax maps.**
        ii. **The Town designated Fort Road ROW was confirmed by vote of a second Town Council via its inclusion in the Westerly Harbor Management Plan of 2016**

iii. **The Town designated Fort Road ROW was confirmed by vote of a third Town Council via its inclusion in the October 28, 2019 revisions to the Westerly Harbor Management Plan. See attached excerpts of October 28, 2019 Westerly Harbor Management Plan.**

iv. **The Town designated Fort Road ROW was confirmed by vote of a fourth Town Council via its inclusion in the 2020 – 2040 Westerly Comprehensive Plan.**

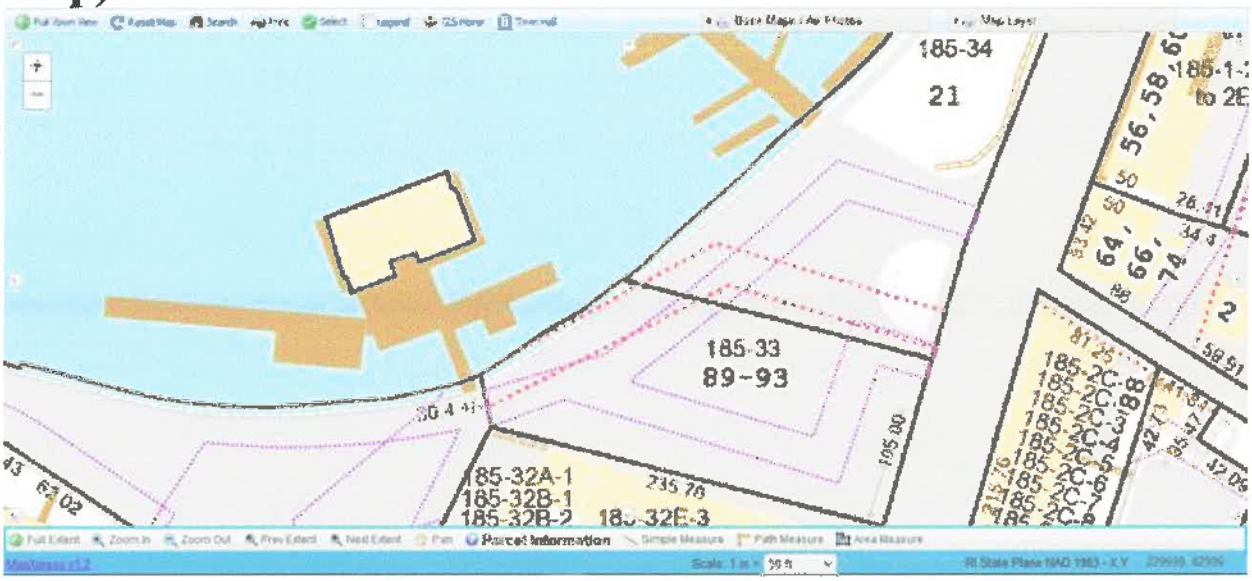
v. **The Town designated Fort Road ROW was confirmed by the State of Rhode Island via its approval of Westerly 2020 – 2040. See attached Comprehensive Plan excerpt May 5, 2021**

vi. **The Town designated Fort Road ROW was confirmed by Westerly Town Solicitor William Conley via his November 20, 2020 letter to Jeffery Willis of the RI CRMC. See attached William Conley Esq letter of 11-20-2020 confirming of all Westerly ROWs.**

vii. **Westerly's response to a recent APRA request confirms that it has no documents suggesting that "… any court of competent jurisdiction has ever invalidated or in any other way limited the scope or legality of the … Resolution (08/09-67) of the Westerly Town Council dated October 6, 2008." See attached email of Mary LeBlanc of January 30, 2023 regarding "012523 APRA Request 3, 4 and 5 Regarding Fort Road".**

viii. **Westerly's response to a recent APRA request confirms that it has no documents suggesting that " … any Westerly Town Council has, since October 6, 2008, ever repealed, rescinded, or in any other way limited the scope or legality of the attached Resolution (08/09-67) of the Westerly Town Council dated October 6, 2008." See attached email of Mary LeBlanc of January 30, 2023 regarding "012523 APRA Request 3, 4 and 5 Regarding Fort Road".**

3. **Although no one can tell with reasonable certainty because the Fort Road ROW has not been disclosed, the Westerly GIS map (https://westerly.mapxpress.net/ags_map/) may indicate that the proposed dredging area includes the Fort Road ROW. Zooming in to a scale of 1 inch = 50 feet appears to reveal a portion of the Fort Road ROW in red dashed lines. If so, the Fort Road ROW appears to include some of the sandy beach area beyond the sea wall in the vicinity of the Yacht Club (compare application photos and maps with the following GIS map).**



Thus, the project may include removing a portion of the Town Designated Fort Road ROW. If the Applicant disagrees, the Applicant should be required to prove that the dredging project would not submerge a portion of the ROW under three feet of water and it certainly has not yet done so.

4. **Although no one can tell with reasonable certainty because the Fort Road ROW has not been disclosed, the proposed dredging area may remove the only practical public access to the waters of Watch Hill Harbor. The Application contains ample photos to see that a sandy beach/kayak launch now exists in the vicinity of the Yacht Club. Indeed, the Application photos show footsteps on that sandy beach. I note that one need merely step off the sea**

wall about 12 inch to access that gently sloping sandy beach. The Westerly GIS map and measuring tool (https://westerly.mapxpress.net/ags_map/) show that this sandy beach is about 200 feet from Bay Street public parking. These facts make the sandy beach a viable launch point for public kayakers parking on Bay Street. By contrast, the only other ROW on that harbor is Waters Edge Road South and, ironically, the nearest parking for that ROW is on Bay Street (about 2000 feet away). Indeed, when parking on Waters Edge Road was considered by the Westerly Town Council on January 25, 2021, the Council was inundated with letters from Watch Hill residents opposing parking there. The PROJECT DESCRIPTION on page 24 of the Application indicates that the whole purpose of the dredging project is to remove the public sandy beach/kayak launch so that the *private* Yacht Club can make way for its members' *private* boats to comfortably reach the Club's *private* dock. Finally, I note that, although similar projects have been allowed in 1992 and 2007, none have been permitted since the October 6, 2008 Resolution supposedly guaranteeing the public's access to the harbor in perpetuity. In my opinion, this admitted privatization is irreconcilable with the public's interest in access to the tidewaters of the State and should not be allowed.

5. **Although no one can tell with reasonable certainty because the Fort Road ROW has not been disclosed, the proposed staging area may block much of and create a hazard on the Fort Road ROW. As noted above, the Application is devoid of any reliable mapping of the Town designated Fort Road ROW. Comparing the Resolution tax maps with the Application mapping, however, suggests that the staging areas block/interfere with the ROW. If the Applicant disagrees, the Applicant should be required to prove that no such interference exists and it certainly has not yet done so.**

6. **In my personal opinion, the fact that the Watch Hill Fire District and its representatives have (since October 6, 2008) repeatedly and flatly denied the existence of a public right of way on Napatree Point raises a concern that omission of the Town Designated Fort Road ROW from this application was not inadvertent. If so, the Applicant should not be rewarded for this omission. See attached letter of Joan Beth Brown dated November 18, 2022 ("In sum, Fort Road is neither a public road, public right of way, nor a public easement …"). See attached letter of Gerald Petros dated October 14, 2020 (" … Fort Road is neither a public road nor a public ROW."). See comments of Gerald Petros via Zoom Westerly Town Council meeting dated January 25, 2021 at time = 11:27 ("[Fort Road] … is not a public right of way.").**

Sincerely,

Anthony M. Palazzolo Jr

Rec'd at C. Mtg
10/14/20

HINCKLEY ALLEN

100 Westminster Street, Suite 1500
Providence, RI 02903-2319
p: 401-274-2000 f: 401-277-9600
hinckleyallen.com

Gerald J. Petros
gpetros@hinckleyallen.com

October 14, 2020

Westerly Town Council
Town Hall
45 Broad Street
Westerly, RI 02891

Re: Westerly Comprehensive Community Plan – 2020-2040

Dear Honorable Members of the Westerly Town Council:

We represent both The Watch Hill Conservancy and the Watch Hill Fire District in presenting comments on the draft Comprehensive Community Plan (the "Plan") currently before the Town Council.

On behalf of our clients, we applaud the Town's significant efforts in revising the Plan and bringing the draft of the Plan to its current stage. One of the goals of the Town's working group undoubtedly is to ensure that the statements and conclusions in the Plan are accurate. To that end, we provide some information in these comments that will help the Town produce an accurate and informative Plan that places the Town on a productive path forward.

Point 1
Section 2.1 – Existing Open Space for Conservation
Table 2-1 Conservation Land by Owner

This table lists information concerning conservation acreage and public access acreage and incorrectly lists that information with respect to properties owned by both The Watch Hill Conservancy and the Watch Hill Fire District. More specifically:

- The Watch Hill Conservancy owns 8.14 acres (not 4.8 as currently provided in the Table) in conservation, with 2.71 acres (not 0.00 as currently provided in the Table) accessible to the public.

- The Watch Hill Fire District owns 66.88 acres (not 61.1 as currently provided in the Table) in conservation, with all 66.88 acres (not 0 as currently provided in the Table) accessible to the public.

We do not believe this information is either controversial or disputed, and we trust you will edit Table 2-1 accordingly.

Point 2
Subsection 3.6.4 – Neighborhood Planning

This subsection refers to the methodologies of "elevation" and "removal" to protect historic buildings, neighborhoods and villages from sea level rise. The Watch Hill Conservancy and the Watch Hill Fire District urge the Town not to limit the range of options available to protect these valuable assets to removal and elevation only.

Throughout New England, and indeed the United States, talented engineers, preservationists, urban planners, conservationists, scientists and other professionals are developing innovative methods to meet and mitigate the physical impacts of sea level rise.

We urge the Town to definitively leave the door wide open for the application of innovative approaches to address these climate change impacts in areas like the Shore Commercial Area.

We recommend that this sentence be revised to more broadly read: "Westerly will look to develop design guidelines and applicable regulations to allow for adaptive and resiliency strategies to be employed to keep our most historic and vulnerable buildings and neighborhoods protected and preserved." This language is consistent with the intent of the Plan and preserves broader options than elevation and removal.

Point 3
Subsection 1.6.10 – Coastal Environment

The last paragraph of this section refers to the Napatree Point Conservation Area as "A popular public beach, open year-round, it is managed . . . ." The Napatree Point Conservation Area is not a public beach, as it sits alongside privately-owned land. This conclusion is neither controversial nor disputed. Indeed, the title history of Napatree Point is thoroughly documented in a legal memorandum prepared by a respected title attorney on behalf of the Town (see attached Memo from Charles Soloveitzik to the Westerly Town Council, dated December 17, 2007 (the "Soloveitzik Memo")). Accordingly, the language of this provision should be revised to read: "A privately-owned beach, publicly accessible, it is managed . . . ."

Point 4
Section 2.5 – Water Access - Table 2-11
Town- and State- Designated Rights-of-Way to the Shore

We understand and appreciate that the subject of rights-of-ways ("ROWs") has drawn much comment and that the Town is being pulled in different directions on this issue, with the challenge of trying to accommodate a number of constituencies and interests. That being said, the Plan is an important public document authored, issued, and endorsed by the Town and must not present inaccurate statements and/or conclusions. Table 2-11 contains several inaccuracies.

First, Fort Road is neither a public road nor a public ROW. Again, reference is made to the Soloveitzik Memo. Attorney Soloveitzik was engaged by the Town Council to provide a legal opinion as to the status of Fort Road and concluded that there was "no meaningful evidence" in the land evidence records to support the proposition that Fort Road is a Town road.

Second, the Plan lists other so-called public ROWs in situations where the Town has already documented the fact that they are private and not public.

We urge you to correct the Table 2-11.

On behalf of The Watch Hill Conservancy and the Watch Hill Fire District, we thank you for your consideration of these comments. The Plan presents many examples of thoughtful work and good planning – we hope these comments will ensure that the Plan accurately presents important information. We are available to follow up with the Town Council, Town staff, and/or the Plan working group at any time if there any questions regarding our comments and concerns. We appreciate the opportunity to participate in this important Town initiative.

Very truly yours,

Gerald J. Petros

GJP:jlh

Enclosures

MEMO

To: Honorable Town Council, Westerly, RI
Fr: Charles Soloveitzik
Re: Fort Road, Watch Hill
December 17, 2007

This office was engaged to provide an opinion as to the status of the roadway known as "Fort Road" in the Village of Watch Hill, to research the title history and provide an opinion concerning the legal ownership and general location of that public way commonly referred to as "Fort Road", as well as any town right to locate a dock in or about the area of Fort Road.

As reported in writing to the Town Solicitor on October 30th, 2007 and as expressed in comments made to the Council workshop on December 3rd, 2007, we found no evidence in the land records to support the conclusion that Fort Road is a town road based upon a preliminary search and analysis of those indices and records perceived to be best suited to formulate such a conclusion. However, as also reported and expressed, we must assert that evidence of the status of the road as a public road may be found outside of the land records and, of course, we can offer no opinion on that conclusion.

Although the process has already taken many hours, we concede that the entire record has not been completely researched. But, because of our belief that further extensive record research shall not produce a different conclusion, we sought and obtained permission to terminate the title searching process on the project and now present our report based upon the research conducted to date.

PRELIMINARY REPORT
(Refined and Recapitulated)

The results of our search suggest to us that there was no recognized public road running from Bay Street through the Napatree/Sandy Point peninsula when the U.S. Government purchased most of the land at Napatree and Sandy Points for the installation of Fort Mansfield in 1898. In fact, after acquiring the land for the Fort, the Government proceeded to obtain a series of express easements for ingress, egress and regress over the Napatree portion of the peninsula from its adjoining and neighboring owners. In October 1903, four easement deeds recorded in Book 35, at pages 296, 297, 298 and 300, H. Hobart Babcock, Alice Brien, Frank Larkin and John W. Sweeney, respectively, granted a series of 20 foot easements over their respective Napatree properties, effectively connecting all of the Government's land to Bay Street (and the Town's established highway network). The descriptions for these easements were corrected by 1909

instruments, recorded in Book 39 at page 433 and page 434. The record suggests that Larkin owned all of the land between the Government's easternmost parcels and Bay Street, and that [from east to west] Sweeney, Babcock and Brien, respectively, owned the land between the Government's easternmost parcels and its westernmost parcels. Those westernmost parcels comprised the west end of Napatree and all of Sandy Point, which were physically connected prior to the 1938 hurricane.

The Government divided its holdings on the peninsula into 7 tracts as depicted on the attached map (Map 1) and then conveyed all of its land on the peninsula to the Napatree Corporation in two deeds, the first described Tracts 2 and 7, was dated September 28, 1926 and recorded in Book 51, page 84, and the second described Tracts 1, 3, 4, 5 and 6) was dated January 28, 1928, recorded Book 52, page 84. Those tracts were conveyed together with "*an easement for a 20 foot right of way over and across privately-owned tracts of land...for the purpose of ingress, egress and regress to and from said tracts of land...*" [paraphrased for clarity] and effectively establishing that 20 foot right of way from Bay Street to Sandy Point.

Thereafter, in 1928, the Napatree Corporation reconfigured Tracts 1 and 2 (the easternmost portion of the fort) and divided the same into a five-lot subdivision as demonstrated by its plan recorded in Plat Book 6, pages 13 and 14 (enclosed as Map 2). The plan depicted a <u>proposed</u> 50 foot road and the 5 lots were then conveyed with reference to that plan together with express rights to *pass and repass over the existing "open 20 foot right of way" and the proposed 50 foot road, if and when dedicated and developed* [paraphrased for clarity].

For the purpose of this discussion, we have focused on those parcels presently designated as Westerly Assessor's Map 185, lots 31 and 33 and Map 178, lots 1, 2, 3 and 4. This limitation was determined practical because one must travel on the identified lots to get from the recognized highway system (Bay Street) out to the extremity of Napatree Point.

As stated above, each of the parcels conveyed with reference to the 1928 plan enjoyed rights over the existing road including the right to get to the lots on the plan over the express right of way to and from Bay Street. But the record does not suggest, and we are unable to assume from those deeds, that the developer intended to dedicate the street as shown on the plan to the public, and the absence of subdivision laws in 1928 left the municipality without direction or instruction to accept roads when platted.

As part of the process, we performed a complete search for one and limited reviews for the titles to the other lots created by the 1928 plan and have detected no recorded evidence of formal dedication or municipal acceptance of that section of road. Although there may be support to the proposition that the laying out of a street on plat may be tantamount to a dedication to public use [citations omitted], it may easily be argued that, if one must access the platted lots by means of a private right of way in the first place (as here), a presumption of public dedication may be overcome.

In addition, we considered the content of title deeds for the land lying between Bay Street and the lots on the 1928 subdivision and found that they merely contain reference to the rights of others to pass through them and provide no expression that those easement rights were for a public thoroughfare.

Accordingly, the land records support the conclusion that the underlying real estate upon which the road is located is not owned by a single person or entity, but, rather, that the ground under the road is vested in those owners of land which is located on either side of the roadway.

Asked specifically, if the Town's ownership of a parcel located on the Napatree peninsula (Plat 178, lot 7, now owned by the Westerly Municipal Land Trust), would elevate the status of a right of way from private to public, our response would be that the fact of ownership of a single unimproved parcel at a remote location along the road's course would not, by itself, establish a sufficient nexus for a public or town road. Certainly, if some facility, open to and benefiting the public at large, was established on a parcel, an argument for the existence of a public road would be much stronger, but certainly that determination cannot be made from land evidence records.

LOCATION OF WAY

The location of the first leg of the 1903 twenty foot-wide rights of way from Bay Street is roughly identified on the attached Map 1, but merely referred to in the deeds to the lots depicted on Map 2. It is more precisely located on the U.S Government's 1924 Map (Map 3). Certainly, the 50-foot wide road proposed by Napatree Corporation in 1928 is depicted on Map 2, but without perspective relative the location of the 20-foot right of way. Sections of the "old road" and the "new road" are depicted on maps recorded in the land records and attached as Maps 4 and 5.

A presumably accurate representation of the road's location before the 1938 hurricane is depicted on the old Assessor's Map 14 (also enclosed as Map 6). Current assessor's maps seem to track the same or a substantially similar course before trailing off to the southwest and then terminating before reaching its prior westerly extremity.

Deeds to the Watch Hill Fire District for its real estate located on the west side of Bay Street through which the road passes do not call for the road as a boundary, but rather one deed expresses that "*the described property is subject to any and all rights of way now existing in favor of owners of the land on Napatree Point*" (39 WLER 591) and another deed expressed that the conveyance was "*subject to all rights of way, if any, over the premises*" (63 WLER 247). Similarly, the property descriptions reviewed for those other parcels west of Bay Street do not characterize the road as a boundary, but merely express that a road or way runs through the described parcel without material geometric reference to the road's location.

An inspection of the ground may identify the remains of an old improved road and, certainly, if sufficient monumentation were to be located, the descriptions contained in the 1903 easements (as corrected) and the roadway as depicted on several maps may be quantified by a survey, but that is beyond the scope of our analysis. It must be noted that, even if the road may be precisely located, that fact does not aid us in concluding whether it is a private or public way.

DOCK or WHARF

Maps reviewed identify a wharf extending into the ocean from the land now identified as AP 182, lot 1, now owned by the Watch Hill Fire District, and previously owned by the U.S. Government, but we have uncovered no land evidence of docks or launches into the bay located west of the Yacht Club.

As expressed above, we recognize that the Town of Westerly has held title to land on Napatree Point, identified as Plat 178, lot 7, which was recently conveyed to the Westerly Municipal Land Trust. The Town's ownership or control of property with its special characteristics of frontage on the bay and the ocean may give rise to some common law rights to wharf out and develop a dock or a launch, however, there is no express grant of those rights in the land records; such rights, if any, exist under the State's constitution and there is little doubt that approval for such action and related activity would be placed within the jurisdiction of the Rhode Island

Coastal Resources Management Council. We offer no opinion with regard to the likelihood of any CRMC permitting.

CONCULSION AND COMMENTARY

Based upon the limited search conducted, we have concluded that there is no meaningful evidence in the land records to support the proposition that Fort Road is a town road, and, based upon our experience with such matters, we see no practical benefit in extending the search to exhaustion in order to change that conclusion. Certainly, there may be something yet uncovered which may help clarify a point or buttress a legal argument, but we are satisfied that the process would only be a protracted exercise rendering little or no material change in result.

Regardless whether Fort Road is a town road or not, it is asserted that its location may be geometrically determined, in part by the land evidence records, while surveying would undoubtedly be required to confirm if that which is described or depicted on the land records was actually constructed (and surviving) on the ground.

Based upon the preliminary search conducted, we can assert that there is no special right to dock or wharf in favor of the town identified in the land records. Any docking rights the Westerly Municipal Land Trust may possess is merely appurtenant to its ownership of real estate with waterfront characteristics.

Despite the fact that the land records do not provide evidence that Fort Road is a town road, other factors—outside the land records—should be considered. Those factors include an examination of the actual use of the road over an extended period of time to determine if the general public has enjoyed the use of the roadway, whether the public has ever been excluded and whether the municipality has ever repaired, maintained or improved the road at public expense. Town Council and Public Works records may be of assistance in answering some of these questions. Anecdotal evidence of continued, uninterrupted, unchallenged use by private citizens for a significant period of time may aid in determining if the roadway is open and apparent and in use by the public.

The distinction between private roads used by the public and statutory town [or common law public] roads may be blurred by numerous factors, but, as previously reported, once an existing road is determined to be open for the necessary period of time and provides for the public

benefit, the Town Council possesses the right to declare the same as a public road under proper circumstances (see R.I.G.L. §24-2-1).

Respectfully submitted,

Charles Soloveitzik

Legend of Attachments:

Map 1 - Fort Mansfield composite, 1924
Map 2 - Napatree Corporation (5 lot subdivision), 1928
Map 3 - Fort Mansfield detail (East), 1923
Map 3A - Fort Mansfield detail (West), 1923
Map 4 - William S. Morehead's land, 1927
Map 5 - Watch Hill Beach, 1936
Map 6 - Old Tax Map No. 14
Map 7 - Composite current tax maps in vicinity.

NARRAGANSETT BAY

BLOCK ISLAND SOUND

NAPATREE BEACH

GOVERNMENT OWNED RIGHT OF WAY 20 FEET WIDE AREA = 0.62 ACRES

GOVERNMENT OWNED RIGHT OF WAY 20 FEET WIDE AREA = 0.29 ACRES

TRACT Nº 1 AREA = 2.35 ACRES

TRACT Nº 2

TRACT Nº 3 AREA = 8.64 ACRES

TRACT Nº 4 AREA = 2.62 ACRES

TRACT Nº 5 AREA = 1.85 ACRES

MEAN HIGH WATER

LAUNCH WHARF (Destroyed)

Scale

SCALE: 1" = 300'

WAR DEPARTMENT QUARTERMASTER CORPS CONSTRUCTION

FORT MANSFIELD, RHODE ISLA

SURVEY OF PARCELS AS APPRAISED FOR S

PURSUANT TO ACT OF MARCH 4, 1923 (42 STA

DATE — PLA

DATE | REVISIONS | ACT

— LEGEND —

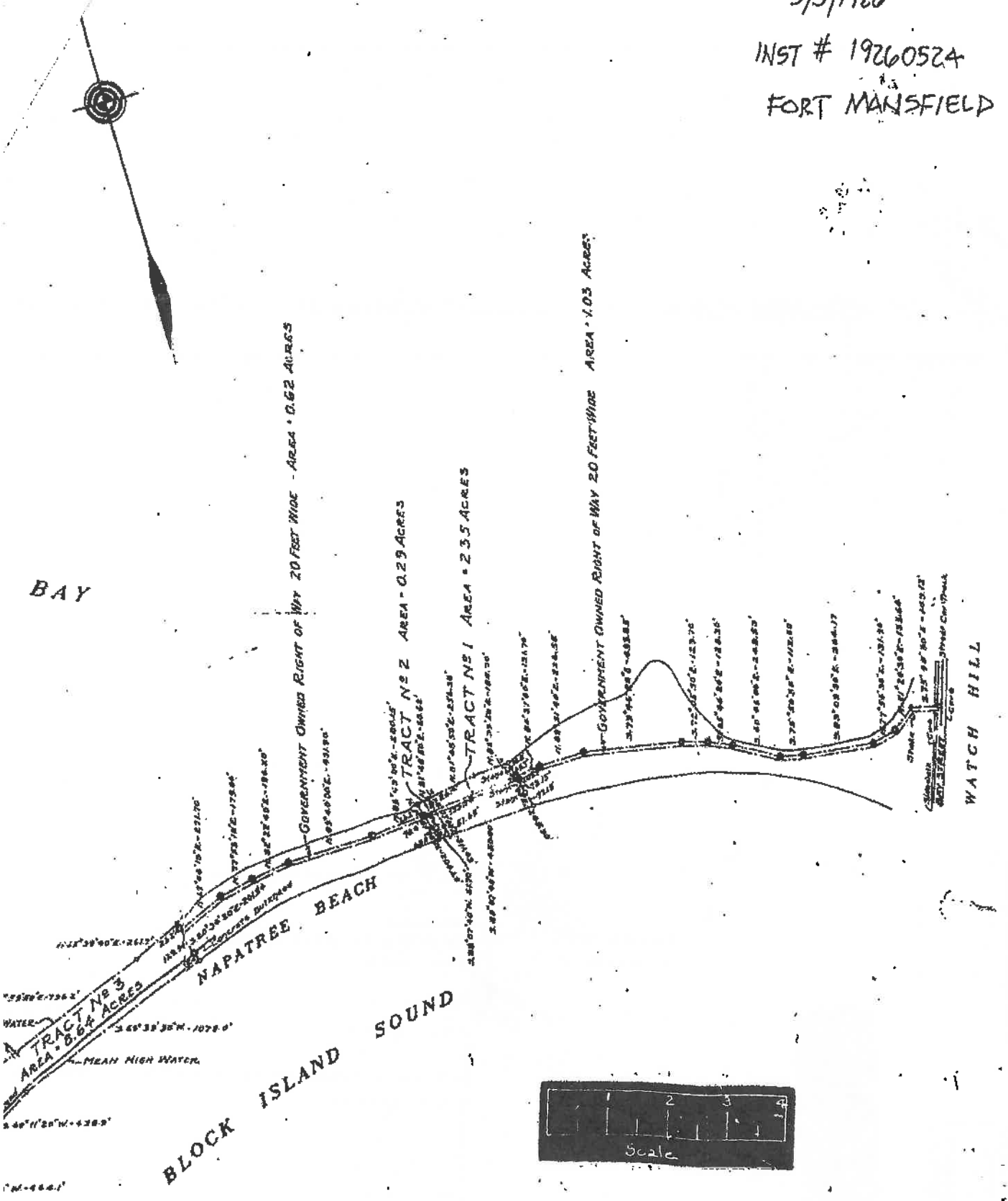
- Indicates Iron Pipes as Lines between Parcels.
- Indicates U.S. Corporate Monuments on North Line of Gov't Rd N.
- Indicates Points on Mean High Water Lines except where quoted State of Stage.
- Boundary Line of Reservation

NOTE: This Map made from Actual Survey. The Most Easterly Line of Tract Nº 1 assumed to have a True Bearing of.

5/3/1926

INST # 19260524

FORT MANSFIELD



SCALE: 1" = 300'

WAR DEPARTMENT QUARTERMASTER CORPS CONSTRUCTION SERVI

FORT MANSFIELD, RHODE ISLAND.

SURVEY OF PARCELS AS APPRAISED FOR SALE PURSUANT TO ACT OF MARCH 4, 1923 (42 STAT. 14

DATE — MAY 3, 192

APPROVED

DATE	REVISIONS	

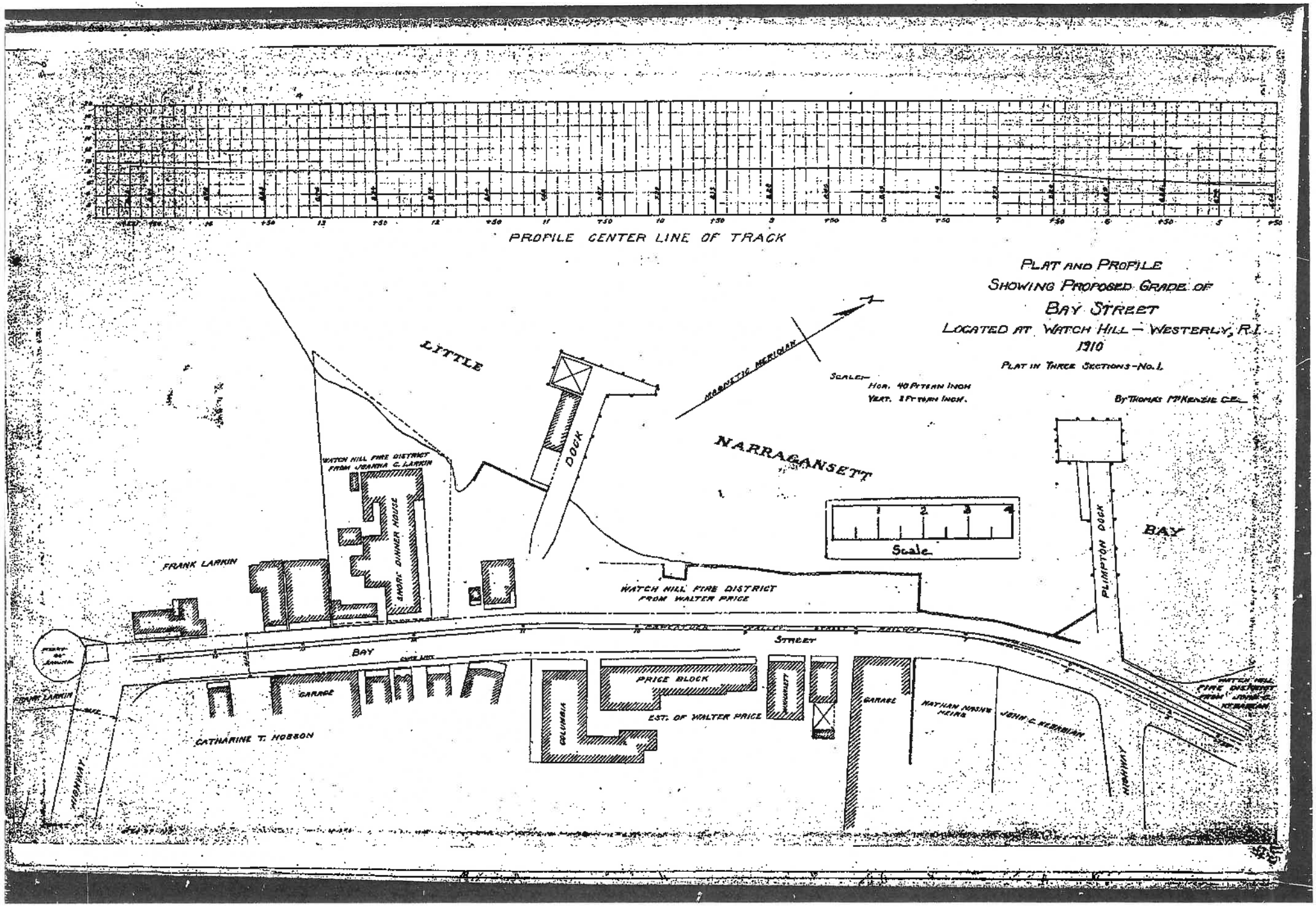
DRAWN BY | SURVEY BY | SUBMITTED | TRACED BY | CHECKED BY | ACCEPTED BY

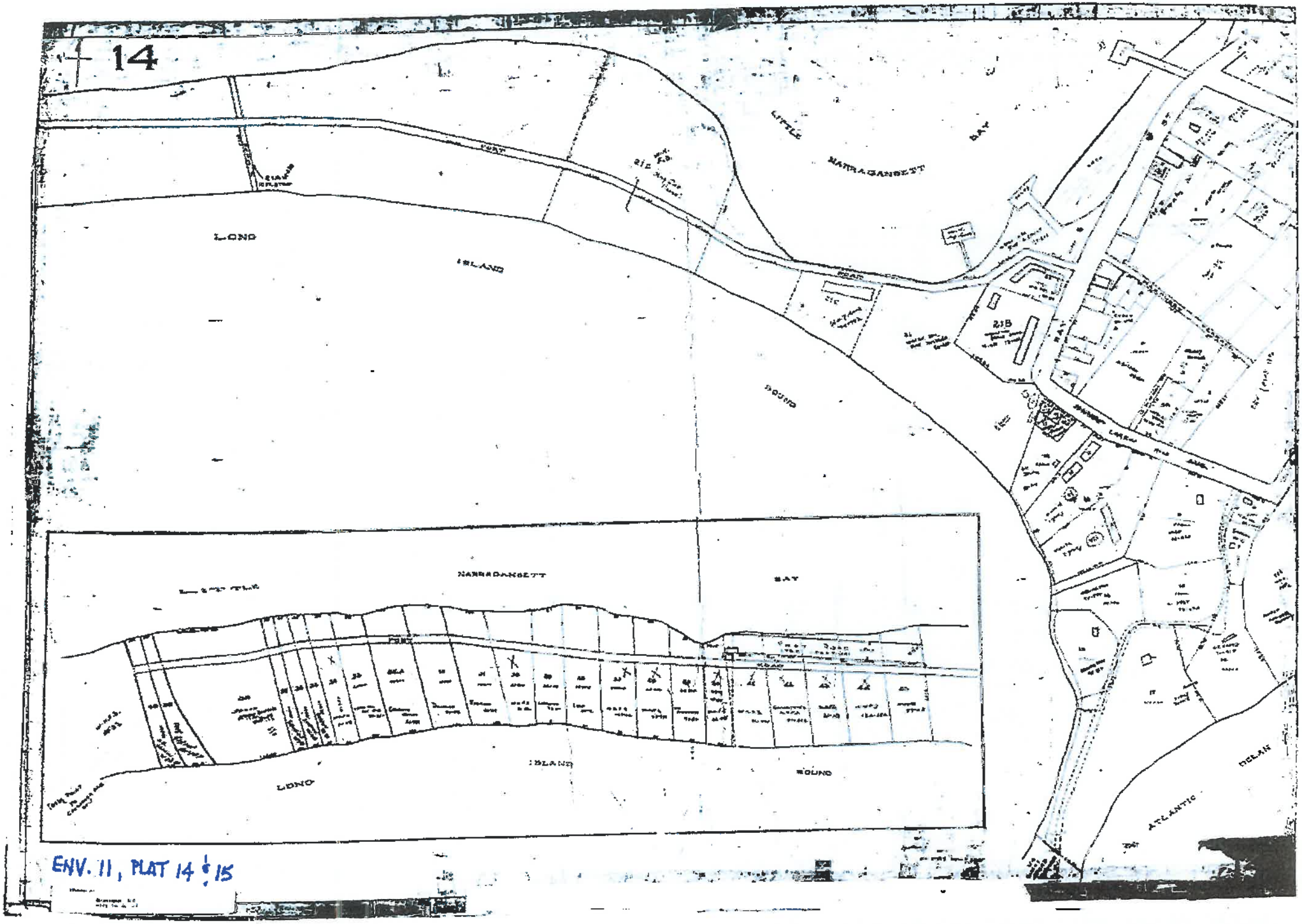
~ LEGEND ~

- Indicates Iron Pipes or Lines between Parcels.
- Indicates U.S. Coast & Geodetic Monuments on North Line of Gov't R. of W.
- Indicates Points on Mean High Water Line except where marked Stake or Stake.
- Boundary Line of Reservation

NOTE: This Map made from Actual Survey. The Most Easterly Line of Tract Nº 1 assumed to have a True Bearing of S. 14° 07' 00" E., from which all other bearings on this Map have been computed.

Help

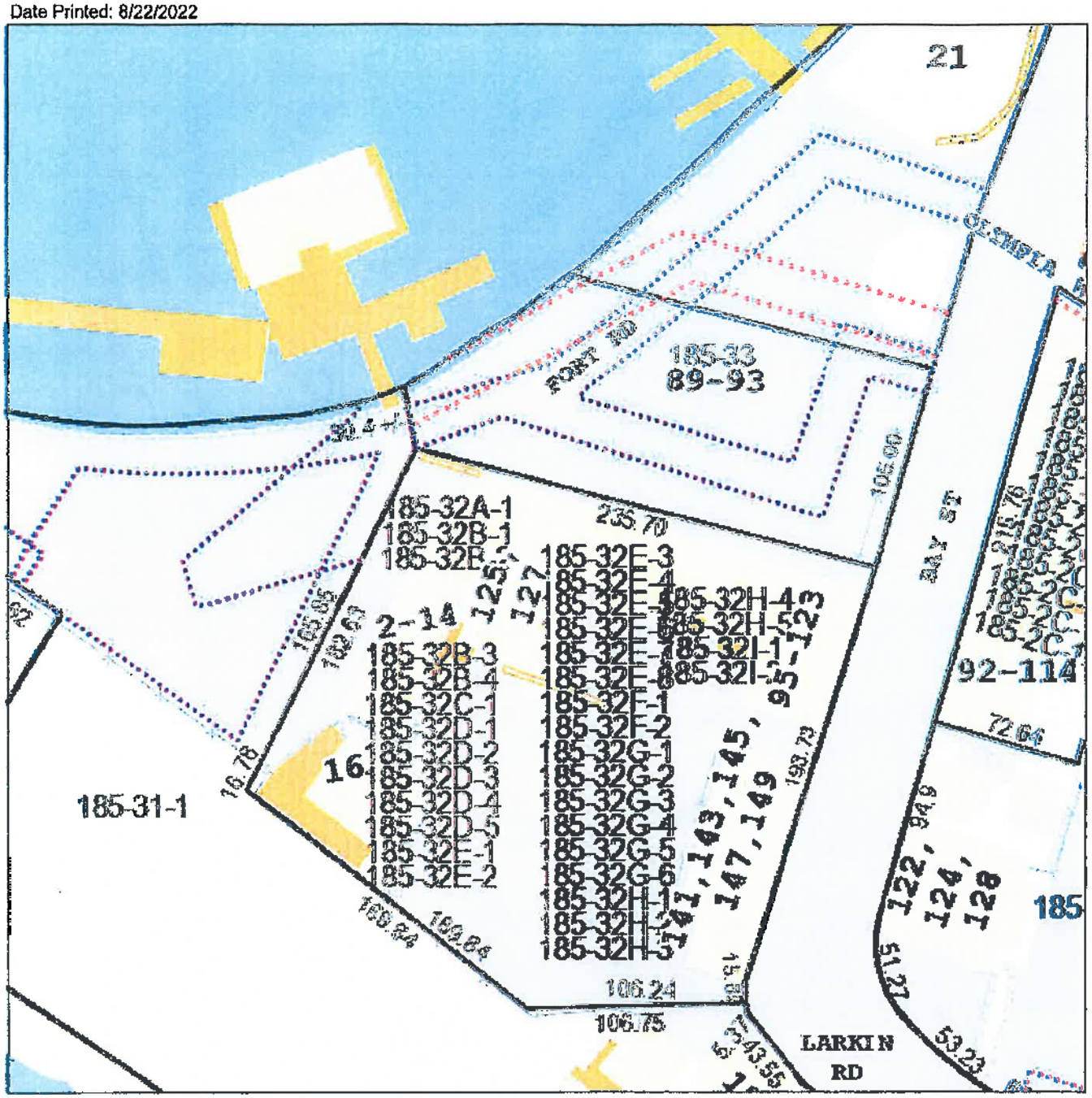

PROFILE CENTER LINE OF TRACK
PLAT AND PROFILE
SHOWING PROPOSED GRADE OF
BAY STREET
LOCATED AT WATCH HILL – WESTERLY, R.I.
1910
PLAT IN THREE SECTIONS – No. 1.
SCALE:–
HOR. 40 FT. TO AN INCH
VERT. 8 FT. TO AN INCH.
BY THOMAS McKENZIE C.E.
MAGNETIC MERIDIAN
LITTLE
NARRAGANSETT
BAY
DOCK
PLIMPTON DOCK
Scale
WATCH HILL FIRE DISTRICT FROM JEANNA C. LARKIN
SNACK DINNER HOUSE
FRANK LARKIN
WATCH HILL FIRE DISTRICT FROM WALTER PRICE
BAY
STREET
GARAGE
PRICE BLOCK
EST. OF WALTER PRICE
COLUMBIA
GARAGE
NATHAN NASH HEIRS
JOHN C. KERRIGAN
WATCH HILL FIRE DISTRICT FROM JOHN C. KERRIGAN
CATHARINE T. HOBSON
HIGHWAY
HIGHWAY


14
LITTLE
NARRAGANSETT
BAY
LONG
ISLAND
SOUND
ATLANTIC
OCEAN
ENV. 11, PLAT 14 & 15

Town of Westerly

Geographic Information System (GIS)

Date Printed: 8/22/2022



MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Westerly and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 75 feet

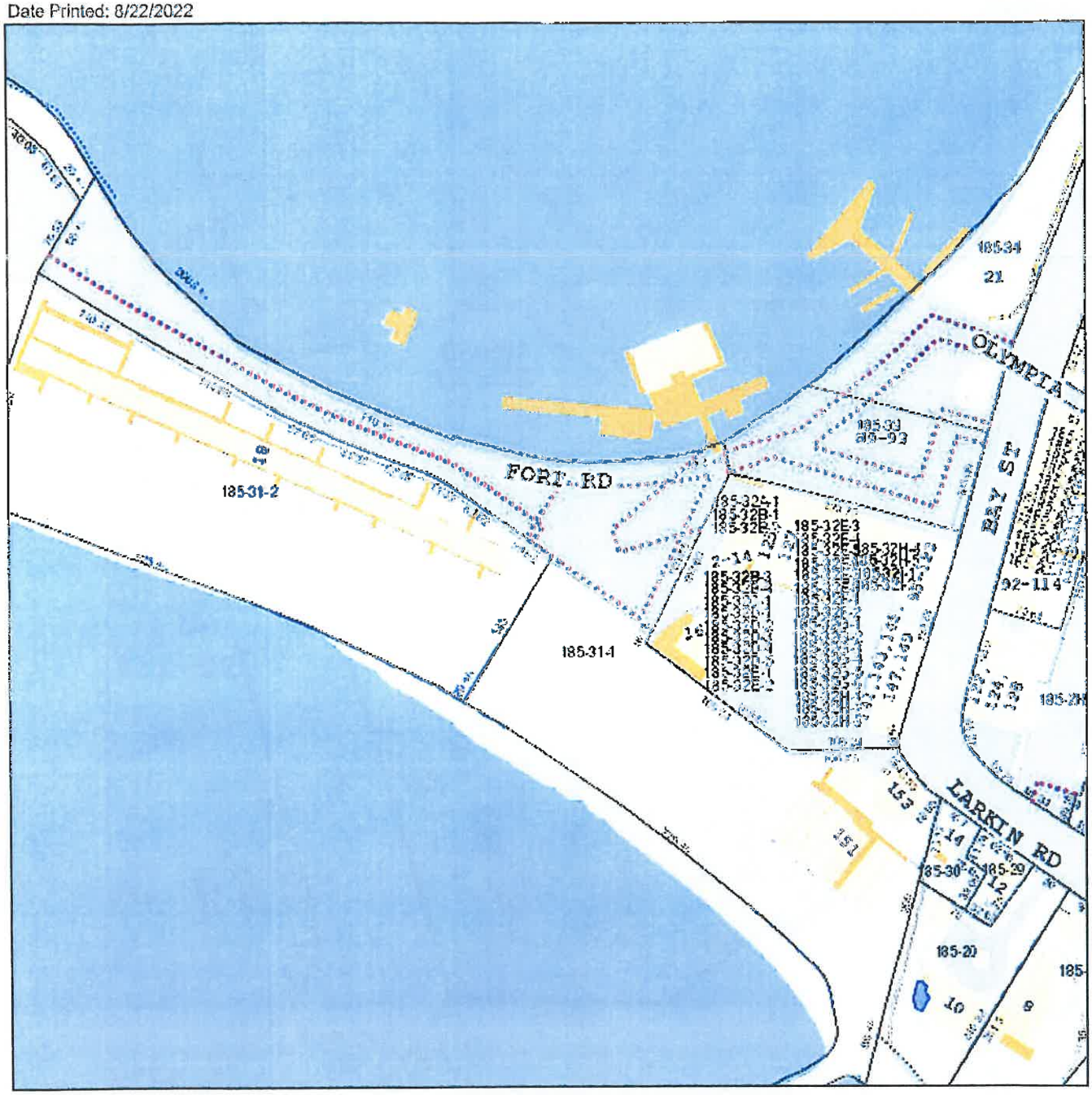
0 75 Feet

N W E S

Town of Westerly

Geographic Information System (GIS)

Date Printed: 8/22/2022



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Approximate Scale: 1 inch = 150 feet

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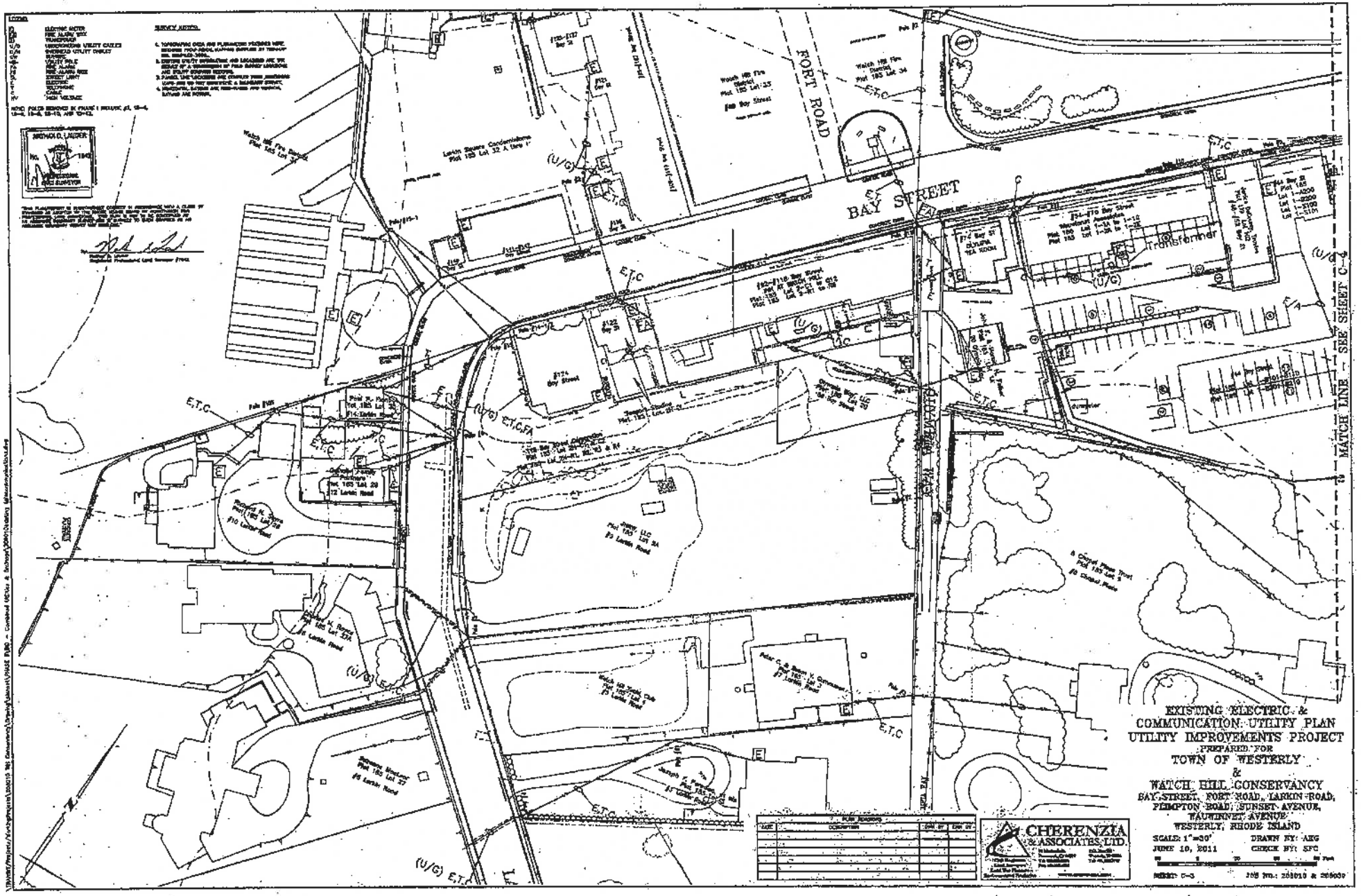
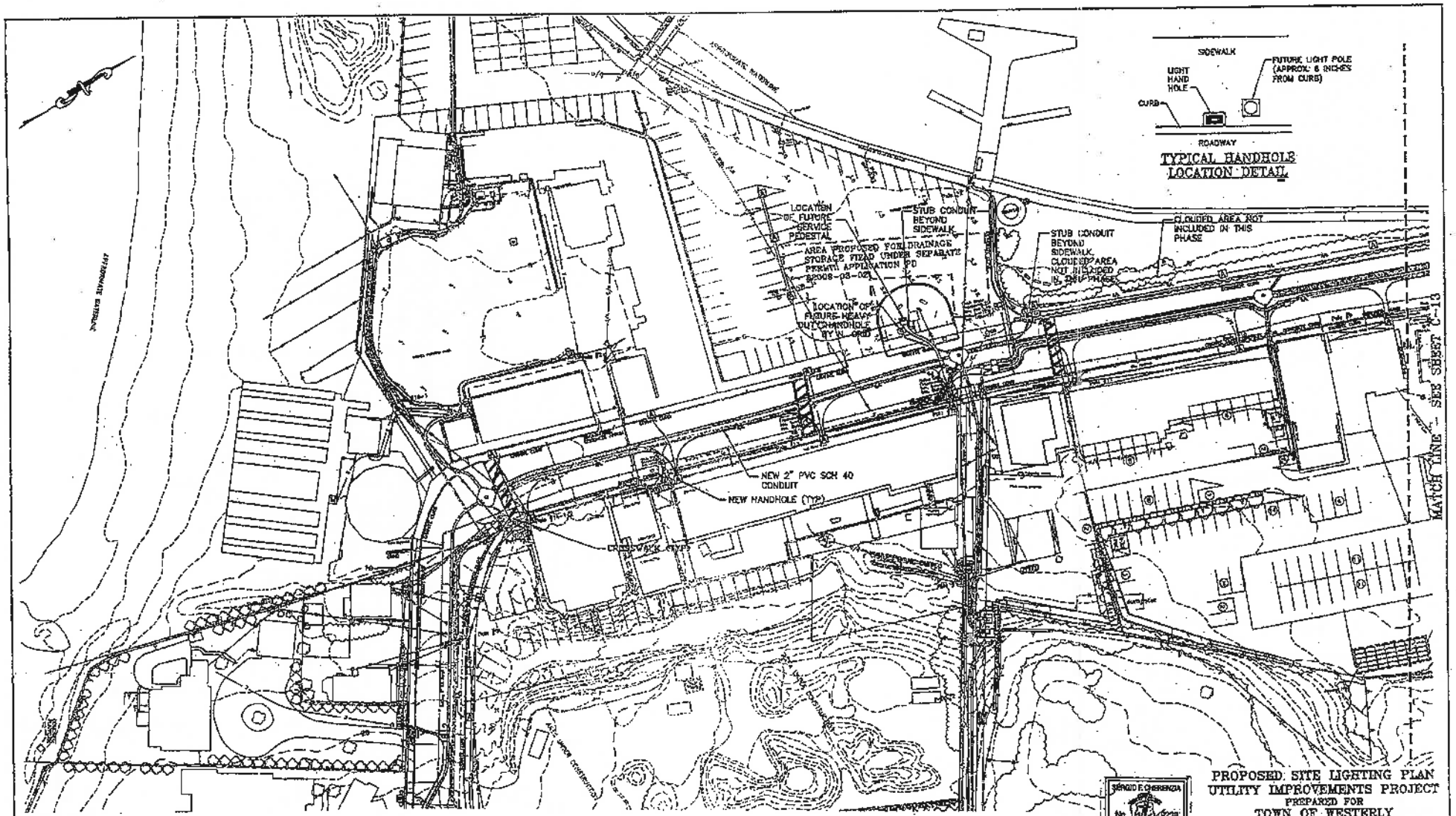
N W E S


BAY STREET
FORT ROAD
MATCH LINE - SEE SHEET C-4
Transformer
EXISTING ELECTRIC &
COMMUNICATION UTILITY PLAN
UTILITY IMPROVEMENTS PROJECT
PREPARED FOR
TOWN OF WESTERLY
&
WATCH HILL CONSERVANCY
BAY STREET, FORT ROAD, LARKIN ROAD,
PEMPTON ROAD, SUNSET AVENUE,
TAUGINNET AVENUE
WESTERLY, RHODE ISLAND
SCALE: 1"=30'
DRAWN BY: AEG
JUNE 10, 2011
CHECK BY: SFC
CHERENZIA & ASSOCIATES, LTD.



SITE LIGHTING GENERAL NOTES:

1. LEGEND OF PLAN SHALL CONSIST OF INSTALLATION OF SITE LIGHTING INFRASTRUCTURE WHICH SHALL INCLUDE CONDUIT AND HAND HOLES AND PROVISION FOR LIGHT BASE PLATES. THE INTENT IS THAT THE ENTIRE LIGHTING SYSTEM TO BE NEAR WE BE COMPLETED AND ACCEPTED INSPECTION OF PHASE 2B.

2. HANDHOLES SHALL BE INSTALLED IN ACCORDANCE WITH CODES TO GRADE.

3. CONDUIT SHALL BE INSTALLED IN PARALLEL WITH ELECTRIC AND COMMUNICATION CONDUITS AND MINIMIZE REQUIRED UTILITY INTERFERENCE CONFLICTS.

4. ALL TEMPORARY STUBS SHALL BE SEALED APPROPRIATELY WITH PVC CAP AND PVC CEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT PLAN LOCATION OF STUBS.

5. ALL LIGHTING CONDUITS TO BE 2" PVC SCH. 40 OR SCH. 80 EXCEPT AS OTHERWISE SHOWN, AND INSTALLED AT A DEPTH OF 24" BELOW GRADE FOR CROSSING ROADWAY INSTALLATIONS. SERIAL PULLING WILL NOT BE ALLOWED ON ALL SPARE CONDUITS FOR FUTURE USE. SERVICE CONDUIT TO BEGIN PULL SHALL BE 2" RIGID STEEL. CONDUIT FROM HANDHOLE TO POLE FOUNDATION SHALL BE 1-1/2" PVC, SCH. 40.

LEGEND

- SERVICE PEDESTAL – 3R STAINLESS STEEL ENCLOSURE (PAINTED BLACK) W/200A – 120/208 OR 120/240 VOLT 3 WIRE SERVICE
- 2" PVC CONDUIT-LIGHTING (UNLESS NOTED OTHERWISE IN DRAWING NOTE) – SCH 40 OR SCH 80 FOR ROADWAY CROSSING
- COMPOSITE LIGHTING HANDHOLE – "GACHETT" STYLE/TYPE

PLAN REVISIONS			
DATE	DESCRIPTION	DRW BY	CHK BY

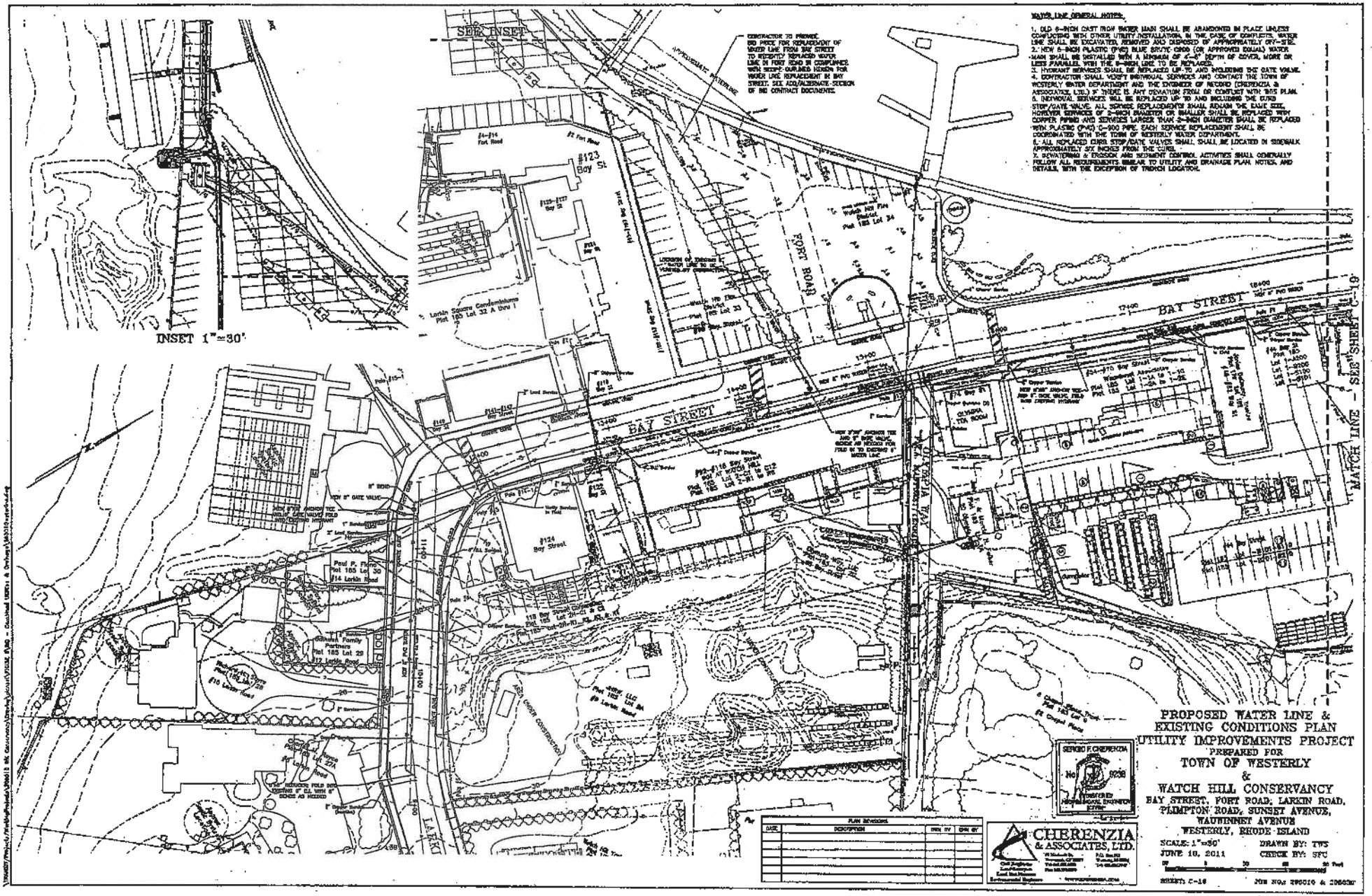
CHERENZIA & ASSOCIATES, LTD.

SERGIO F. CHERENZIA — REGISTERED PROFESSIONAL ENGINEER (CIVIL)

PROPOSED SITE LIGHTING PLAN
UTILITY IMPROVEMENTS PROJECT
PREPARED FOR
TOWN OF WESTERLY
&
WATCH HILL CONSERVANCY
BAY STREET, FORT ROAD, LARKIN ROAD, PLIMPTON ROAD, SUNSET AVENUE, WAUWINNET AVENUE
WESTERLY, RHODE ISLAND

SCALE: 1"=30' DRAWN BY: AKG
JUNE 10, 2011 CHECK BY: SFC

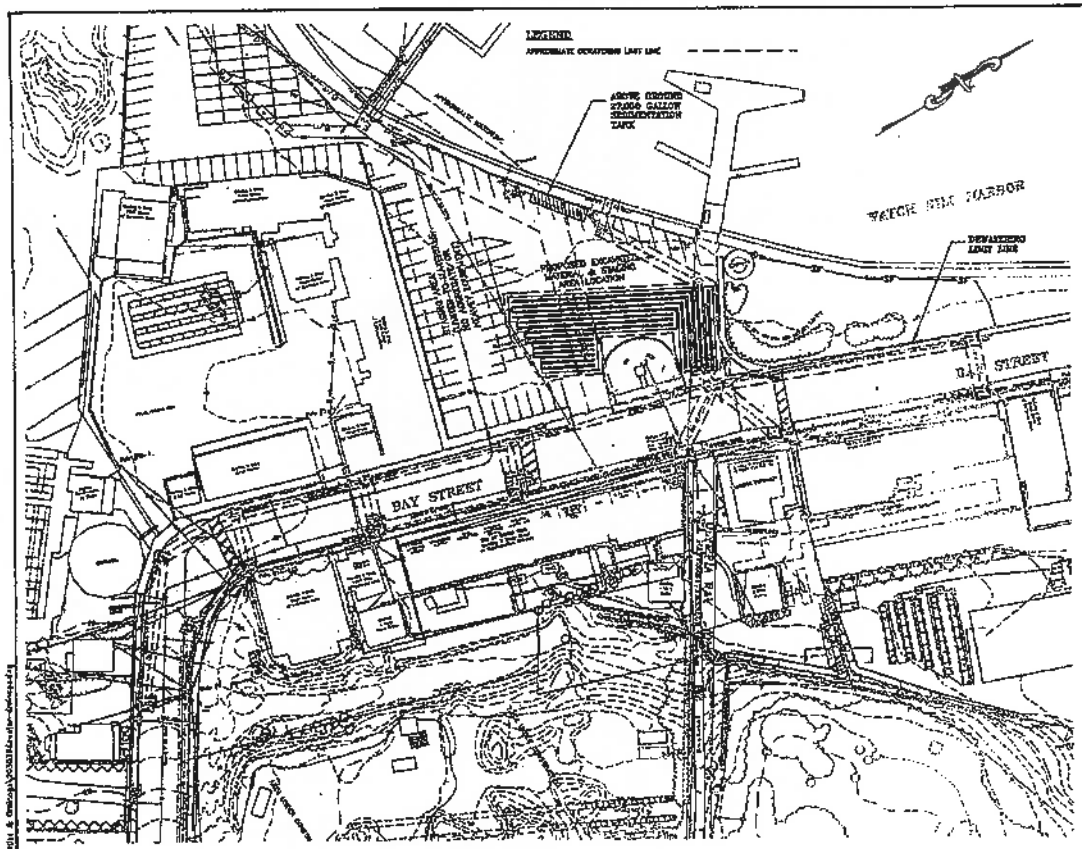
SHEET: C-12 JOB NO.: 200610 & 200639

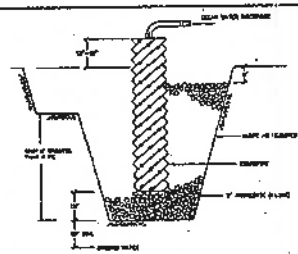


WATER LINE GENERAL NOTES:

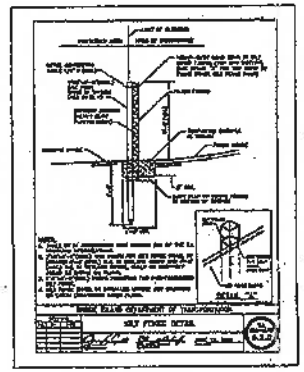
1. OLD 6-INCH CAST IRON WATER MAIN SHALL BE ABANDONED IN PLACE UNLESS CONFLICTING WITH OTHER UTILITY INSTALLATIONS. IN THE CASE OF CONFLICTS, WATER LINE SHALL BE EXCAVATED, REMOVED AND DISPOSED OF APPROPRIATELY OFF-SITE.
2. NEW 6-INCH PLASTIC (PVC) BLUE SEWTIC CODE (OR APPROVED EQUAL) WATER MAIN SHALL BE INSTALLED WITH A MINIMUM OF 4'-6" DEPTH OF COVER, MORE OR LESS PARALLEL WITH THE 6-INCH LINE TO BE REPLACED.
3. HYDRANT SERVICES SHALL BE REPLACED UP TO AND INCLUDING THE GATE VALVE.
4. CONTRACTOR SHALL VERIFY INDIVIDUAL SERVICES AND CONTACT THE TOWN OF WESTERLY WATER DEPARTMENT AND THE ENGINEER OF RECORD (CHERENZIA & ASSOCIATES, LTD.) IF THERE IS ANY DEVIATION FROM OR CONFLICT WITH THIS PLAN.
5. DEMOLITION SERVICES WILL BE REPLACED UP TO AND INCLUDING THE CURB STOP/GATE VALVE. ALL SERVICE REPLACEMENTS SHALL REMAIN THE SAME SIZE, HOWEVER SERVICES OF 2-INCH DIAMETER OR SMALLER SHALL BE REPLACED WITH COPPER PIPING AND SERVICES LARGER THAN 2-INCH DIAMETER SHALL BE REPLACED WITH PLASTIC (PVC) C-900 PIPE. EACH SERVICE REPLACEMENT SHALL BE COORDINATED WITH THE TOWN OF WESTERLY WATER DEPARTMENT.
6. ALL REPLACED CURB STOP/GATE VALVES SHALL SHALL BE LOCATED IN SIDEWALK APPROXIMATELY SIX INCHES FROM THE CURB.
7. REVEGETATION & EROSION AND SEDIMENT CONTROL ACTIVITIES SHALL GENERALLY FOLLOW ALL REQUIREMENTS SIMILAR TO UTILITY AND DRAINAGE PLAN NOTES AND DETAILS, WITH THE EXCEPTION OF TRENCH LOCATION.

CONTRACTOR TO PROVIDE 90 PIECE FOR REPLACEMENT OF WATER LINE FROM BAY STREET TO RECENTLY REPLACED WATER LINE IN FORT ROAD IN COMPLIANCE WITH RECIPT-OUR/ADD NOTES FOR WATER LINE REPLACEMENT IN BAY STREET. SEE ADD/ALTERNATE-SECTION OF BID CONTRACT DOCUMENTS.

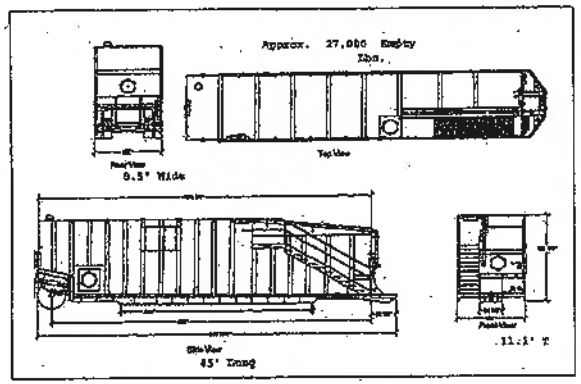




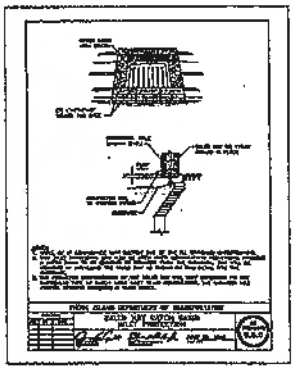
DEWATERING SUMP PIT



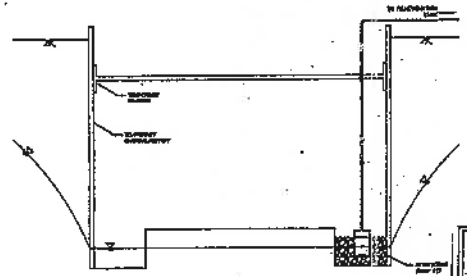
SILT FENCE DETAIL



SEDIMENTATION TANK DETAIL – (FRAC TANK)



CATCH BASIN PROTECTION DETAIL



DEWATERING TRENCH DETAIL

EROSION AND SEDIMENTATION (E&S) CONTROL PLAN

GENERAL

1. THE PROPOSED STORMWATER AND SEDIMENTATION CONTROL (SSCC) WORK SHALL BE THE RESTORATION OF THE BAY STREET DRAINAGE IMPROVEMENTS PROJECT. THE PROPOSED DRAINAGE IMPROVEMENTS SHALL BE LIMITED PRIMARILY TO LARGE AREA, BAY STREET, FORT ROAD, PLIMPTON ROAD, WAUWINNET AVENUE AND SUNSET AVENUE WITH A MAJORITY OF IMPROVEMENT PROPOSED WITHIN THE TOWN OF WESTERLY RIGHT OF WAY (ROW) PROPERTY OWNED BY THE WESTERLY TOWN. THE DISTRICT CENTER WILL ALSO BE UTILIZED TO PROVIDE AN AREA FOR STAGING/LAYDOWN, UNDERGROUND DETENTION SYSTEMS, AND DEBRIS TO THE FACILITY. DRAINAGE IMPROVEMENTS SHALL INCLUDE:

- REPLACEMENT OF ALL BURSTHROUGH AND DEFECTIVE DRAINAGE SYSTEM COMPONENTS.
- ADDITION OF THE SUBSURFACE DETENTION SYSTEM CONSISTING OF BALANCE PIPE PIPES.
- ADDITION OF TWO PIPES QUALITY TREATMENT SYSTEM (SUBSURFACE NON SCOURING SYSTEMS). THE WATER QUALITY TREATMENT SYSTEM SHALL PROVIDE SEDIMENT OF THE FIRST 1-INCH OF RUNOFF AND PROVIDE TOTAL SUSPENDED SOLIDS REMOVAL PRIOR TO DISCHARGE TO WATCH HILL HARBOR.
- STORMWATER RUNOFF SHALL BE CAPTURED INTO THE SUBSURFACE DRAINAGE SYSTEMS. REDIRECTED AS THE MAINLINE AND DISTRIBUTED STORMWATER MANAGEMENT SYSTEMS. WORK IN THE MAINLINE OVERALL CONSISTS FOR SYSTEM (TWO TOTAL) LOCATED IN THE VICINITY OF THE BAY STREET DRAINAGE IMPROVEMENTS. THERE ARE SIX (6) SYSTEMS OBTAINED THAT HAVE BEEN DISTRICT WITH RESEARCH AND FIELD INVESTIGATIONS. FOUR (4) SYSTEMS INSTALLS FIRST, REMAIN UNDISTURBED AND TWO (2) SHALL BE PLUGGED AND THEN DEBRIS LOAD AVOIDED IN PLACE.

2. THE PROPOSED DRAINAGE IMPROVEMENTS ARE WITHIN AND DIRECTLY ADJACENT TO WETLANDS AND SENSITIVE FEATURES (WHICH INCLUDE ISLAND CONTROL, RESOURCES MANAGEMENT COUNCIL, ASSOCIATION).
3. BUILD THROUGHOUT THE SITE AND PLANNED PRIMARILY AS EARTH/SEDIMENTS AND SANDY SOILS.
4. THE STORMWATER IMPROVEMENTS WILL REQUIRE EXCAVATION FOR REMOVAL AND DEPTHS REPLACE OF SUBSURFACE STORMS COMPONENTS AND TYPES. THE OLD MAINLINE COMPONENTS SHALL BE REPLACED BY NEW DRAINAGE SYSTEM. EXCAVATION FOR THESE OPERATIONS SHALL INCLUDE SUBSURFACE BOULDERS/BEDROCK, SUBSURFACE ADVANCED CAVE EXCAVATION METHOD, AND SUBSURFACE MACHINERY.
5. DETENTION SYSTEMS, MEASURES INTENDED TO MINIMIZE SOIL EROSION AND TO CONTROL SEDIMENTATION DURING CONSTRUCTION INCLUDE:

- THE INSTALLATION OF SILT FENCE AND/OR STAKED BALES ALONG THE DOWN-GRADIENT LINE OF DISTURBED AREAS.
- THE INSTALLATION OF SILT FENCE STAKED BALES BETWEEN BY INCLUDED DUCK BANKS, TEMPT SHALL BE INSTALLED IMMEDIATELY FOLLOWING INSTALLATION OF PERMANENT PAVEMENT.
- THE INSTALLATION OF TEMPORARY DIKES TO DIVERT RUNOFF TO APPROPRIATE AREAS THAT SHALL BE CONVERTED BY PERMANENT TEMPORARY TREATMENT SYSTEMS. (WITH STORMWATER).
- THE MAXIMUM FOUNDATION OF DISTURBED AREAS THROUGH THE PLACEMENT OF TEMPORARY DIKES AND BERMS BY FIRST, SECOND, LEST AND MEDIA.
- THE STOCKPILES AND DEPOSITED AREAS FOR CONSTRUCTION MATERIALS SHALL BE LOCATED IN DESIGNATED AREAS AS SHOWN ON THE PLAN AND SHALL BE SURROUNDED BY SILTED BALE BARRIER.
- DEVELOPMENT OF A CONSTRUCTION STORMWATER PLAN IN CONSIDERATION OF WORK CONSTRUCTION SEQUENCING DURING WORK.

6. IT IS ANTICIPATED THAT THE WORK CONSTRUCTION WILL BEGIN IN THE FALL OF 2007 AND WILL BE COMPLETED IN THE SUMMER OF 2012.

MATERIAL AND MAINTENANCE

1. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL MEET WITH THE TOWN REPRESENTATIVE TO PROVIDE THE CONTROL, MEASUREMENTS AND STORMWATER MANAGEMENT PRESENCE.
2. THE CONTRACTOR SHALL PROVIDE SILT FENCING BEFORE BEGINNING EXPOSED TO CONTROL CHANNEL AND SEDIMENTATION AND TO PROTECT OFF-SITE AND STAGING AREAS. THESE BERMS SHALL BE INSTALLED AS SHOWN ON THE CAD CONTROL PLAN PRIOR TO BEGINNING OF SLAMMS WITH NEW MATERIALS AND SHALL BE MAINTAINED/REPAIRED WITH THE TOTAL STABILIZATION OF ALL DISTURBED AREAS FOLLOWING ACCEPTABLE STABILIZATION OF DISTURBED AREAS ALL SILT FENCE AND HAY BALES SHALL BE REMOVED.
3. THE LIMITS OF BUILDING, GRADING, AND DISTURBANCE SHALL BE KEPT TO A MINIMUM WITHIN THE PROPOSED AREA OF CONSTRUCTION. ALL AREAS OUTSIDE THE LIMITS OF DISTURBANCE (DIKE) SHALL NOT BE DISTURBED. GRADING/DIKES SHALL BE PLACED FOR EXCAVATION IN ORDER TO MANAGE STORMWATER TO EXISTING DRAINAGE/AREAS (EXISTING WETLANDS, SANITARY LANDSCAPED AREAS, ETC.) TO THE GREATEST EXTENT POSSIBLE.
4. THE CONTRACTOR SHALL SEED AND MULCH DISTURBED AREAS EXPOSED TO WORK INCLUDED FOR A PERIOD OF MORE THAN 30 DAYS.
5. THE CONTRACTOR SHALL COMPLETE PERMANENT SEEDING BETWEEN MARCH THE TENTHTH AND THE SUMMER WITH WORKING OCTOBER 1ST. AFTER PERMANENT SEED, REHABILITATION MEASURES TO ALL SEEDED AREAS WITHIN 7 DAYS OF ESTABLISHED PLANT WORK.
6. ALL CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE RHODE ISLAND SOIL EROSION AND SEDIMENT CONTROL HANDBOOK. ALL MEASURES SHALL BE MAINTAINED AND REPAIRED TO ACHIEVE PROPER SEDIMENT CONTROL, DURING CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING AND INSPECTING THE REQUIRED FOR THE PLAN AND SHALL REPORT ALL DEFICIENCIES OF THE CHECKLIST AND REQUIREMENTS OF THE PLAN. THE CHECK SHALL NOTIFY THE PROPER TOWN AGENCY OF ANY VIOLATION OF THE REQUIREMENTS AND SHALL REPORT THE WORK REQUIRED THE WORK FOR IMPLEMENTING ADDITIONAL MEASURES, MEASURES OR MAINTENANCE CONTROL MEASURES AND REPORT FREQUENTLY CHECK COORDINATION, WEEKLY MAINTENANCE SHALL BE CONDUCTED AND/OR WITHIN 24 HOURS OF THE END OF A STORM PRODUCE A RAINFALL AMOUNT OF 0.5 INCH OR GREATER. WEEKLY WATCH REPORTS SHALL BE PROVIDED INCLUDING THE TYPE OF MAINTENANCE, MAINTENANCE AND CORRECTIVE ACTIONS.
8. THE CONTRACTOR IS RESPONSIBLE FOR THE DAILY INSTALLATION, MAINTENANCE, REPAIR OR REPLACEMENT OF EROSION CONTROL MEASURES AS SHOWN PRIOR TO BEGINNING WORK.
9. THE CONTRACTOR SHALL REPORT THE PROPERTY OF TRANSPORTATION SYSTEMS MAINTENANCE AND MAINTENANCE BY THE OWNERS AND SEDIMENT CONTROL PLAN AND SHALL REPORT ALL DEFICIENCIES AS REQUIRED.
10. FIELD CHANGES TO SEDIMENT AND SEDIMENT CONTROL PLAN SHALL BE MADE ONLY WITH THE WRITTEN APPROVAL OF THE OWNER'S REPRESENTATIVE AND REPRESENTATIVE OF THE TOWN STAFF.

CONSTRUCTION SEQUENCE

THE CONSTRUCTION PHASES WORK BEGIN REPORTED FOR THE DRAINAGE IMPROVEMENTS PROJECT. THE PHASES ARE DESIGNATED BY THE RELATED STORMWATER SYSTEMS. PHASE I DEPICTED BY THE DEFINITELY DRAINAGE SYSTEM AND PHASE II CONSISTS OF THE DEFINITELY DRAINAGE SYSTEM. THE IMPROVEMENTS HAVE THE ABILITY TO CONTROL BOTH PHASES DEPENDING ON THE TIMING, DEPENDING ON THE CHANGES (TYPES OF MATERIALS PROCURED). PLEASE NOTE THAT DIFFERENT MONITORING AND CAD CONTROLS MUST BE IN PLACE AS SHOWN ON THE PLAN IF THERE IS ANY CONSTRUCTION ACTIVITY OR DISTURBANCE. CONTAINED IN DRAIN PHASE DEPENDS CONTINUED ON PAGE.

THE GENERAL CONSTRUCTION SEQUENCE FOR PHASE I & PHASE II OF THE PROJECT IS AS FOLLOWS:

1. INSTALL SILT FENCE AND HAYBALES AS SHOWN ON THE CAD PLAN. INSTALL REPLACEMENT OF DEFECTIVE STORM WATER AND LANDSCAPE AT GRADE AS SHOWN ON THE PLAN.
2. INSTALL TEMPORARY DIKES AT DRAINAGE TO DRAIN AND MAINTENANCE DRAINAGE WITH TEMPORARY SYSTEM. REPORTS INSTALLATION OF PIPE TO CATCH BASIN IN BAY STREET (TO BE REPLACED). INSTALL TEMPORARY PERPENDICULAR DETENTION CONTAINERS AS REQUIRED TO PROVIDE TEMPORARY TANKS IN A SINGLE BAY EMPLACEMENT.
3. INSTALL DRAINAGE TOTALS FROM LARGER WORKS AND EXTENDED INSTALLATION OPTIONS TO PROVIDE DRAINAGE OF DRAINAGE SYSTEM. REMOVE STRUCTURES AND TYPES AS REQUIRED TO INSTALL PROPOSED DRAINAGE SYSTEM. REMOVING DRAINAGE STRUCTURES AND APPURTENANCES SHALL BE TRANSPORTED OFFSITE AND PROPERLY DISPOSED OF.
4. INSTALL CONTACT, STORAGE, SANITARY DRAINAGE AS REQUIRED AND PROVIDE TEMPORARY OR PERMANENT DRAINAGE AS APPROPRIATE.

PLAN REVISIONS			
DATE	DESCRIPTION	DRAWN BY	CHKD BY

CHERENZIA & ASSOCIATES, LTD.

SERGIO F. CHERENZIA No. 9228 REGISTERED PROFESSIONAL ENGINEER

STORM DRAINAGE
DEWATERING, EROSION & SEDIMENT
CONTROL PLAN
UTILITY IMPROVEMENTS PROJECT
PREPARED FOR
TOWN OF WESTERLY
&
WATCH HILL CONSERVANCY
BAY STREET, FORT ROAD, LARKIN ROAD,
PLIMPTON ROAD, SUNSET AVENUE,
WAUWINNET AVENUE
WESTERLY, RHODE ISLAND

SCALE: 1"=40' DRAWN BY: AKG
JUNE 10, 2011 CHECK BY: SFC

SHEET: C-23 JOB NO.: 058016 & 058039

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTERLY DECLARING FORT ROAD ON NAPATREE POINT TO BE A PUBLIC RIGHT OF ACCESS IN PERPETUITY

WHEREAS, the Town commissioned a title opinion in December of 2007 to determine what rights the Town and the Public have to access Napatree Point via Fort Road, and

WHEREAS, that title opinion concluded that the owners of parcels along Napatree point are successors in interest to the access way commonly known as Fort Road and further that the land which constitutes Fort Road is in fact owned by those several owners of land on Napatree Point and along Fort Road, and

WHEREAS, the Town is an owner of a parcel of land on Napatree Point and along Fort Road known as Assessor's plat 178 lot 7 and that parcel being owned by the Town, the use of Fort Road as an access way to and across Napatree Point extends to the Public at large, and

WHEREAS, officials of the Watch Hill Fire District, which owns the majority of the land on Napatree Point and that land where Fort Road intersects with Bay Street have consistently said that the Public has an unrestricted right to access Napatree Point via Fort Road, and

WHEREAS, much of Napatree Point consists of 'Public Trust Land' or that area along the shore which is specifically protected for use by the Public in The Rhode Island State Constitution – Article 1, section 17, and

Whereas, historical photographs, town meeting and utility records and other reliable archival information indicates the historic use of Fort Road as a Public access way to Napatree Point, now therefore be it hereby

RESOLVED: That The Town Council of the Town of Westerly does hereby declare that Fort Road on Napatree Point as shown on the Town Assessor's plats # 177, 178, 184 and 185 as a twenty foot wide right of way has been, is and shall be a right of way for access by the Public to pass and re-pass to and from and across Napatree Point in perpetuity.

ADOPTED: October 6, 2008

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTERLY DECLARING FORT ROAD ON NAPATREE POINT TO BE A PUBLIC RIGHT OF ACCESS IN PERPETUITY

WHEREAS, the Town commissioned a title opinion in December of 2007 to determine what rights the Town and the Public have to access Napatree Point via Fort Road, and

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WHEREAS, the Town is an owner of a parcel of land on Napatree Point and along Fort Road known as Assessor's plat 178 lot 7 and that parcel being owned by the Town, the use of Fort Road as an access way to and across Napatree Point extends to the Public at large, and

WHEREAS, officials of the Watch Hill Fire District, which owns the majority of the land on Napatree Point and that land where Fort Road intersects with Bay Street have consistently said that the Public has an unrestricted right to access Napatree Point via Fort Road, and

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Whereas, historical photographs, town meeting and utility records and other reliable archival information indicates the historic use of Fort Road as a Public access way to Napatree Point, now therefore be it hereby

RESOLVED: That The Town Council of the Town of Westerly does hereby declare that Fort Road on Napatree Point as shown on the Town Assessor's plats # 177, 178, 184 and 185 as a twenty foot wide right of way has been, is and shall be a right of way for access by the Public to pass and re-pass to and from and across Napatree Point in perpetuity.

ADOPTED:

Town of Westerly
Rhode Island

OFFICE OF THE TOWN ASSESSOR
David B. Thompson, Town Assessor

Town Hall
45 Broad Street
Westerly, RI 02891
TEL: (401) 348-2544
FAX: (401) 348-2616

July 22, 2022

Attorney Anthony Palazzola
285 Pendleton Hill Road #100
North Stonington, CT 06359

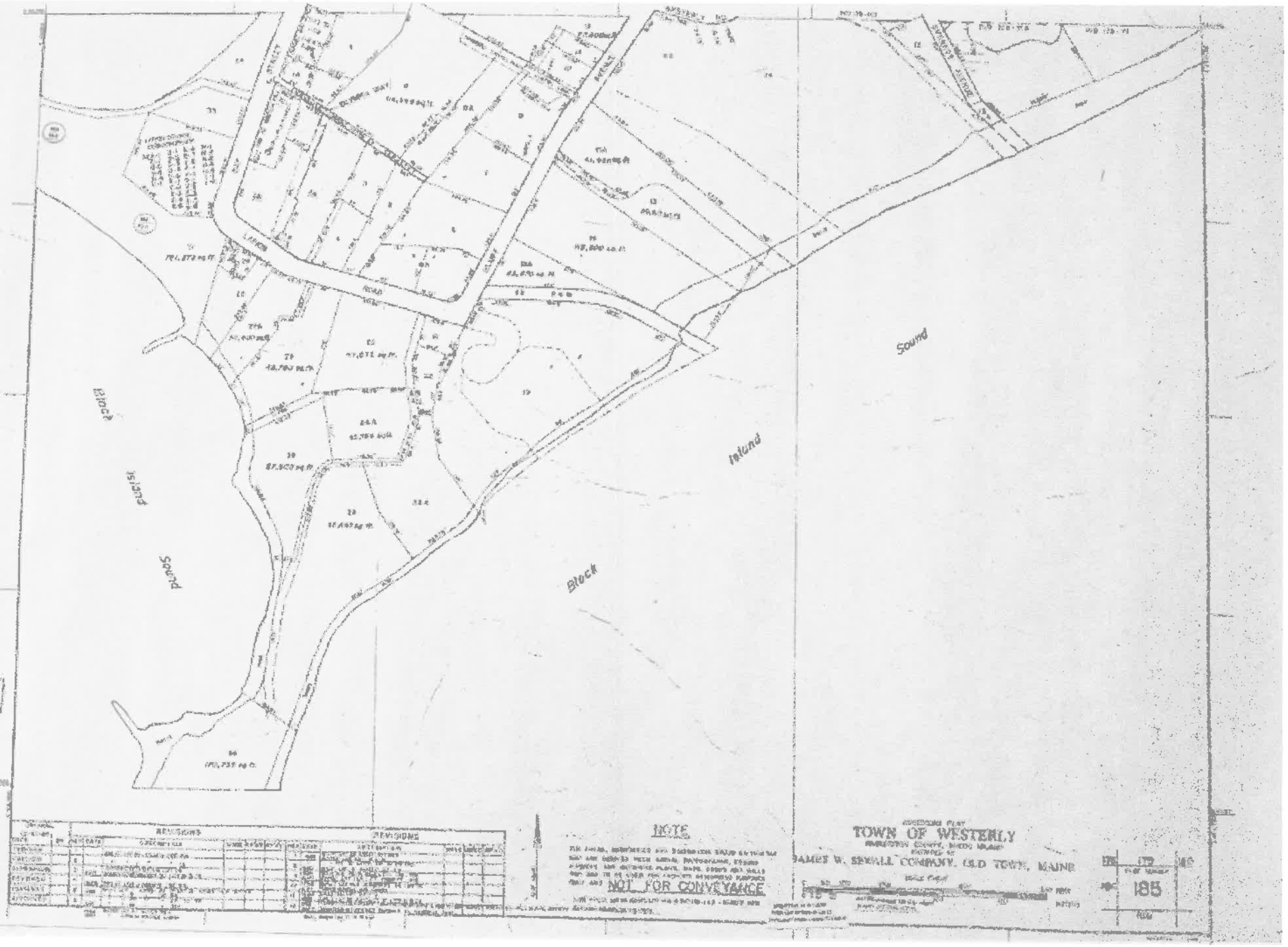
Dear Attorney Palazzola,

Please be advised that the certified copies of Westerly Maps 178, 184, and 185 were in use during the entirety of 2008.

If you should need anything further please do not hesitate to contact this office at your convenience.

Sincerely,

David B. Thompson
Westerly Town Assessor


Block Island Sound
Block Island Sound
NOTE
NOT FOR CONVEYANCE
TOWN OF WESTERLY
185

Block

Island

Sound

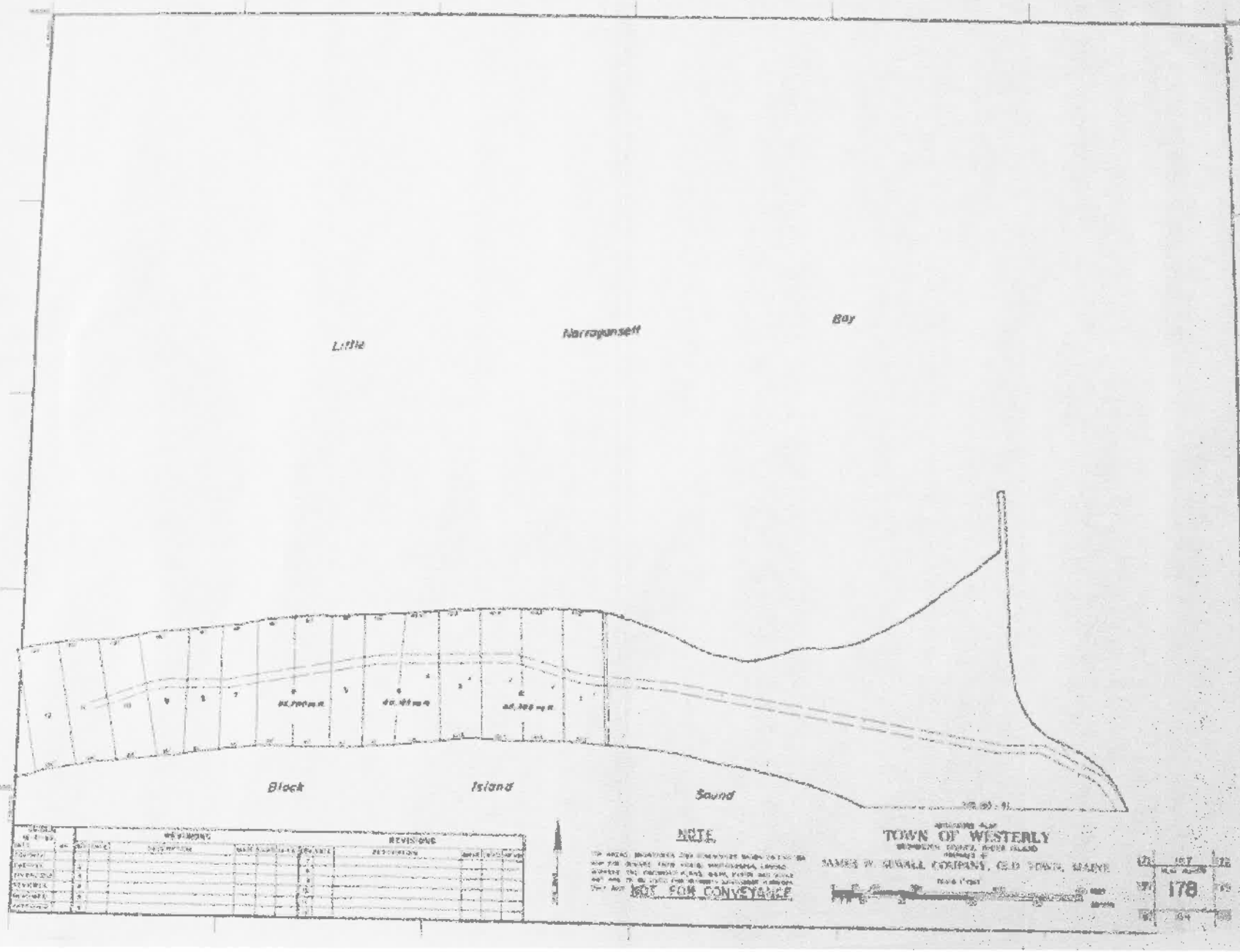
NOTE

NOT FOR CONVEYANCE

TOWN OF WESTERLY

JAMES W. BEVALL COMPANY, OLD TOWN, MAINE

184


Little
Narragansett
Bay
Block
Island
Sound
REVISIONS
REVISIONS
NOT FOR CONVEYANCE
TOWN OF WESTERLY
178

Anthony Palazzolo

From: Mary Leblanc <mleblanc@westerlyri.gov>
Sent: Monday, January 30, 2023 3:06 PM
To: Anthony Palazzolo
Subject: 012523 APRA Request 3, 4 and 5 Regarding Fort Road

Mr. Palazzolo,

I am writing to you on behalf of the Town of Westerly in my capacity as the designated Public Records Officer in response to your Access to Public Records Act request received January 25, 2023 wherein a request was made for the following documents:

3. Documents sufficient to determine whether any one or more of Gerald Petros, the Watch Hill Fire District, and/or the Watch Hill Conservancy are clients of William Conley, Esq. **Please be advised that pursuant to Rhode Island General Laws § 38-2-7(c), the Town of Westerly has searched its records and it does not have or maintain any records responsive to your request.**

4. Documents sufficient to determine whether any court of competent jurisdiction has ever invalidated or in any other way limited the scope or legality of the attached Resolution (08/09-67) of the Westerly Town Council dated October 6, 2008. **Please be advised that pursuant to Rhode Island General Laws § 38-2-7(c), the Town of Westerly has searched its records and it does not have or maintain any records responsive to your request.**

5. Documents sufficient to determine whether any Westerly town Council has, since October 6, 2008, ever repealed, rescinded, or in any other way limited the scope or legality of the attached Resolution (08/09-67) of the Westerly Town Council dated October 6, 2008. **Please be advised that pursuant to Rhode Island General Laws § 38-2-7(c), the Town of Westerly has searched its records and it does not have or maintain any records responsive to your request.**

This request is now complete.

Mary L. LeBlanc, MMC
Town Clerk
Town of Westerly
45 Broad Street
Westerly, RI 02891
401.348.2505

The Law Office of William J. Conley, Jr.
The Hay Building • 123 Dyer Street, 2nd Floor • Providence, RI 02903
WilliamConleyLaw.com

William J. Conley, Jr. • WConley@WJClaw.com • 401.415.9835

Advocacy. Integrity. Excellence.

November 20, 2020

Via Electronic and Regular Mail (jwillis@crmc.ri.gov)

Mr. Jeffrey Willis
Executive Director
RI Coastal Resource Management Council
Stedman Government Center
Suite 116, 4808 Tower Hill Road
Wakefield, RI 02879

RE: Town of Westerly – Weekapaug Sand trail
Spring Avenue Extension

Executive Director Willis:

This office represents the Town of Westerly. I am writing today pursuant to the Town Council's Resolution of November 9, 2020, in which the Council requested that the RI Coastal Resource Management Council review the following rights-of-way, located within the Town of Westerly:

1. The "Sand Trail," located in the Weekapaug Fire District
2. The Spring Avenue Extension, also located within the Weekapaug Fire District

Supporting documents will be forwarded to your office via regular mail, as we were unable to obtain digitized copies of certain documents due to their irregular size.

In addition, we would respectfully request that this correspondence also represent the Town's affirmation of all the rights-of-ways on its Harbor Management Plan as previously submitted.

Please do not hesitate to contact me with any questions.

Sincerely,

William J. Conley, Jr., Esq.
Town Solicitor
Town of Westerly

Cc: Anthony DeSisto, Esq. (tony@adlawllc.net)

TOWN OF WESTERLY, RHODE ISLAND

COMPREHENSIVE COMMUNITY PLAN

2020 – 2040

ADOPTED JANUARY 20, 2021

REVISED MAY 5, 2021 BASED ON STATEWIDE PLANNING COMMENTS

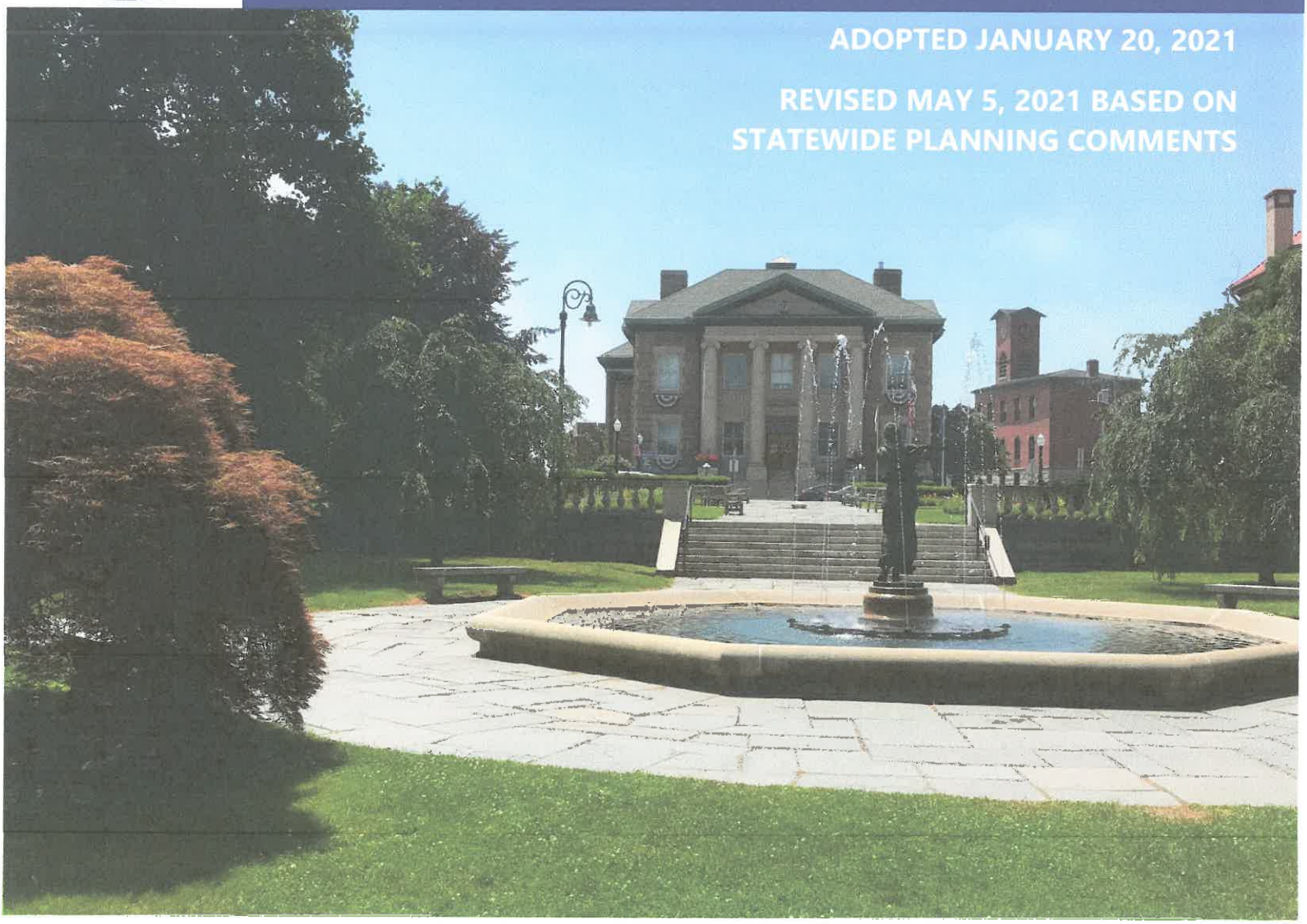


Table 2-11 Town- and State-Designated Rights-of-Way to the Shore

Designation No. (Depicted on Figure REC-M3)	Town or RI CRMC Right-of-Way	Location	Water Accessible*
1	Town	Avondale Road (CRMC A-14)	Pawcatuck River
2	Town	Waters Edge Road North	Foster Cove
2A	Town	Waters Edge Road South	Watch Hill Cove
3	Town	Fort Road	Watch Hill Cove
4	Town	Bluff Avenue (CMRC A-2)	Block Island Sound
5	Town	Everett Avenue	Block Island Sound
6	Town	Niantic Avenue	Refer to Harbor Management Plan**
7	Town	Manatuck Avenue (CRMC A-3)	Block Island Sound
8	Town	Atlantic Avenue	Block Island Sound
9	Town	Atlantic Avenue	Block Island Sound
10	Town	Atlantic Avenue (CRMC A-13)	Block Island Sound
11	Town	Atlantic Avenue (CRMC A-11)	Block Island Sound
12	Town	Atlantic Avenue (CRMC A-6)	Block Island Sound
13	Town	Atlantic Avenue (CRMC A-7)	Block Island Sound
14	Town	Atlantic Avenue West	Block Island Sound
14A	Town	Atlantic Avenue East	Block Island Sound
15	Town	Spray Rock Road	Block Island Sound
16	Town	Ninigret Ave/Sand Trail	Refer to Harbor Management Plan
A-2	RI CRMC	Bluff Avenue	Block Island Sound
A-3	RI CRMC	Manatuck Avenue	Block Island Sound
A-6	RI CRMC	Atlantic Avenue (1)	Block Island Sound
A-7	RI CRMC	Atlantic Avenue (2)	Block Island Sound
A-8	RI CRMC	Atlantic Avenue (4)	Block Island Sound
A-9	RI CRMC	Atlantic Avenue (5)	Block Island Sound
A-10	RI CRMC	Atlantic Avenue (6)	Block Island Sound
A-11	RI CRMC	Atlantic Avenue (7)	Block Island Sound
A-12	RI CRMC	Atlantic Avenue (8)	Block Island Sound
A-13	RI CRMC	Atlantic Avenue (9)	Block Island Sound
A-14	RI CRMC	Lotteryville Marina/ Avondale Road	Pawcatuck River

* Refer to Westerly Harbor Management Plan (HMP) for details regarding water access.

** Determined to be private ROW.

Sources: Westerly Harbor Management Plan 2016, Revised October 28, 2019
RICRMC Annual Designation of Public Rights of Way to the Tidal Areas of the State Report, 2017-2018

Maintenance of these public access points is a priority for the Town of Westerly and will be implemented through regular inspection and clear identification through permanent boundary markers, vegetation control, signage, and public information.

In general, known access-points will be outlined here—29 designated sites of various types and descriptions in 2009. Where issues and questions remain, those sites will be listed as 'Prospective Future Sites and Site Ideas' at the end of the section.

2. FINDINGS

*Note: All directions (north/south/east/west) referred to in this section are 'by the compass'.

RIGHTS OF WAY TO THE SHORE (referenced from Westerly ROW book and 2004 RI CRMC Public Access manual)

Site #1--Avondale Road- (State designated ROW #A14). Located next to the Lotteryville Marina, this ROW is approximately 25-feet wide, covering 3776 square feet, and is bordered on its north side by a stone wall marking the boundary with the Frank Hall Boat Yard. There is a stone wharf and a launching ramp, both in need of repair. The site is posted. It appears to have been set up as a launching ramp, but the terrain at entry needs attention and upgrading. The exact size and dimensions of this parcel should be identified for possible upgrading. No parking nearby.

Site #2 & 2A- Water's Edge Road (Town-designated—previously Meadow lane.) Located at the end of Pawcatuck Avenue, running north/south, this ROW runs the entire length of Waters Edge Road, ending on the north side at Foster Cove and on the south side at Watch Hill Cove. The site is not posted. Access, is blocked by fencing and established undergrowth. On the south side, at Watch Hill Cove, the launching ramp is ill-maintained and the right-of-way has been narrowed by vegetative growth on one side and large rocks on the other. No turnaround is available. No parking is available.

Site #3- Fort Road (Access along Fort Road shoreline). Located off Bay Street, running along Watch Hill Cove adjacent to shops and cabanas, the pedestrian easement leads to Napatree Point, running along the seawall as a shoreline path and leading through a posted-gate to Napatree Beach. This ROW is heavily used in the summertime, moderately used in the off-season.

Site #4- Bluff Avenue, Watch Hill- (*Both Town and State-designated as CRMC ROW #A-2*) Located at the top of Larkin Road as it becomes Bluff Avenue. This ROW is pictured and described as a 40-foot wide road that leads to the beach. Now a pathway bordered by evergreens and beach rose bushes, about 10-feet wide at the Bluff Avenue entry, narrowing to approximately 6 feet as it winds down toward the beach. A town sign is posted at the entry-point. **This ROW should be kept clear and upgraded; it is heavily used in summer, moderately used off season.*

Site #5- Everett Avenue, Watch Hill- (Town-designated) Located just north of the Ocean House, this ROW is a path 30 feet wide and 260 feet long. There are private homes on both sides of the right-of-way. There is a sign posted at the right-of-way itself, designating this as a beach entry point, but no sign at the entry to Everett Avenue. This

Town of Westerly
Harbor Management Plan
2016 Revised 10/28/19

As Adopted by the Westerly Town Council, October 28, 2019

Watch Hill Fire District

Chartered 1901

November 18, 2022

Via Electronic Mail

Shawn Lacey
Town Manager
Town of Westerly
45 Broad Street
Westerly, RI 02891

William Conley, Esq.
Town Solicitor
Town of Westerly
45 Broad Street
Westerly, RI 02891

Dear Shawn and Bill,

Bill should have received a memorandum of law regarding "Fort Road" yesterday. As we understand there has been discussion and questions regarding "Fort Road." The Watch Hill Fire District and The Watch Hill Conservancy have retained professionals and attorneys with expertise in title work to research the facts surrounding Fort Road and to provide us with legal advice. Their research corroborates the Town's earlier findings by Attorney Charles Soloveitzik that Fort Road is not a public road or public right of way. The memo Bill received yesterday provides clarity to the Fort Road issues.

As you know, the Watch Hill Fire District and The Watch Hill Conservancy provide the public with access to Napatree Point subject to reasonable rules and conditions designed to protect the fragile environment. We have previously shared with you a copy of the Conservation Easement that the Fire District deeded to the Watch Hill Conservancy to protect this very special natural area.
In Sum, Fort Road is neither a public road, public right of way, nor a public easement, but visitors enjoy access to the Napatree Point Conservation area, under conservation conditions.

We trust this answers your questions.

Sincerely,

Joan Beth Brown
Moderator
Watch Hill Fire District

cc: Deborah Lamm
Chairman
The Watch Hill Conservancy

Cstaff1

From: Watch Hill Fire District Moderator (Joan Beth Brown) <moderator@watchhillfiredistrict.org>
Sent: Friday, February 17, 2023 12:36 PM
To: cstaff1@crmc.ri.gov
Subject: Supporting letter re. CRMC 2022-11-010
Attachments: WHFD Letter to CRMC DEM re. 2022-11-010 WHYC Dredging.pdf

Please find attached a supporting letter regarding CRMC Application 2022-11-010.
Thank you for your time and consideration!

Joan Beth Brown
Moderator
Watch Hill Fire District

Watch Hill Fire District

Chartered 1901

Rhode Island Coastal Resources Management Council
Rhode Island Department of Environmental Management
O. S. Government Center
4808 Tower Hill Road, Rm 116
Wakefield, RI 02879
cstaff1@crmc.ri.gov

February 16, 2023

Dear Rhode Island Coastal Resources Management Council and Department of Environmental Management,

We write this letter in support of CRMC Application 2022-11-010 by the Watch Hill Yacht Club for dredging, and to clarify and more broadly articulate the importance to the public of the proposed project. The project will provide greater public safety, enhance visitor accessibility, and improve pedestrian and vehicle access to local businesses and attractions in the village of Watch Hill.

Bay Street is the community center for commerce and access to many amenities open to the public in Watch Hill. Significant and increasing nuisance tide and severe weather flooding is compromising safe access to the Napatree Point Conservation Area, and impeding access to parking for customers of local businesses and attractions. Scupper drains in the seawall along the Napatree access route that allow stormwater runoff to leave the roadway are constantly clogged by the sand that the dredging project will help mitigate. While longer-term resolutions to address the effects of flooding are being studied, anything that can encourage quicker draining of current flood waters will benefit everyone who visits or serves the community.

In addition to helping to mitigate the impact on the public of nuisance tides and severe weather flooding, the dredged sand will be returned to Watch Hill beaches, in particular the Watch Hill Fire District Merry-Go-Round Beach that is open to the public, which has endured significant erosion over the years and especially during the December 2022 storm.

We thank you for your consideration and are happy to provide any additional information you may require.

Sincerely,

Joan Beth Brown

Joan Beth Brown
Moderator
Watch Hill Fire District

2022-11-010

Cstaff1

From: jason jarvis <buddhajay108@yahoo.com>
Sent: Sunday, February 19, 2023 8:23 AM
To: cstaff1@crmc.ri.gov; council@crmc.ri.gov; Shawn Lacey
Cc: McManus Conor (DEM); info@asmfc.org; karen.greene@noaa.gov
Subject: Dredging watch hill yacht club and fort rd

Captain Jason D Jarvis
70 Beach street
Westerly RI 02891,

To whom it may concern,

I am writing to you in opposition of the WHYC dredging application. As with most issues related to Watch Hill and ROWS ,this has not been properly vetted through the public hearing process. Or through fisheries impacts and ecological impact studies.

Besides issues related to the Fort rd right of way ,there have been no considerations regarding the use of this area by recreational and commercial fishermen. Napatree point Sandy Point and watch hill cove are important parts to the Tidal rivers ecosystem. I personally harvest Menhaden, Striped bass,horseshoe crab, finger mullet, summer flounder and silversides from watch hill cove, especially in the shoal waters along the wall where this dredging is proposed.

The Horseshoe crab population is in trouble . This entire shoreline is important for the horseshoe crab spawning season. Horseshoe crabs require shoal sand and mud flats to spawn. There has been no consideration for this impact. The sad truth is that if this were and oyster farm request it would be vetted for a year or more. The Watch Hill fire district and watch Hill conservancy are a conduit for the privatization and eventual initiation of a gated privatized waterfront. This violates the RI constitution. This is also shows the two faces of the conservancy . Are they initiating conservation efforts to protect the tidal river ecosystem or are the initiating a front for the protection of Westerly's / Watch hill's affluent part time residents. I think its time to approach dredging projects with a broader lense. The proposed need for this project is to create more area for recreational vessels . I feel the fragile ecosystem outweighs the needs of Watch Hill Yacht clubs boating preferences .

I oppose this entire dredging project ,the unknown ecological consequences that may impact an already troubled species like the Horseshoe crab and its spawning area are unacceptable. The information below comes from NMFS,NOAA. ASMFC and GARFO. Horseshoe crabs are in trouble in our waters and this dredging project could have a serious impact on the Horseshoe crabs spawning area.

Horseshoe Crabs: Managing a Resource for Birds, Bait, and Blood

Horseshoe Crabs: Managing a Resource for Birds, Bait, and Blood

Because horseshoe crabs are so important as a food source for shorebirds, as bait, and for human health, their h...

Management Challenge

We know little about the status of the horseshoe crab population, but from data we do have, it seems that horseshoe crab abundance has increased in the southeast (North Carolina through Florida) and remains stable in the Delaware Bay region (New Jersey through Virginia). ***However, horseshoe crabs appear to be decreasing in the New York and New England regions.***

Because horseshoe crabs are so important as a food source for shorebirds, as bait, and for human health, their harvest is closely managed by the Atlantic States Marine Fisheries Commission. A wide variety of federal agencies including NOAA Fisheries' Habitat Conservation Division, the U.S. Fish and Wildlife Service, the U.S Army Corps of Engineers, and many state, local and non-governmental partners work to protect and to restore horseshoe crab habitat so that horseshoe crabs, and shorebirds, can enjoy their day at the beach as much as people do.

Thank you Sincerely
Captain Jason D Jarvis

Cstaff1

From: Patrick Cozzolino <patcozz@outlook.com>
Sent: Thursday, February 16, 2023 7:08 PM
To: cstaff1@crmc.ri.gov
Subject: permit 2022-11-010

To whom it may concern, 2/16/23

I am writing to voice opposition to the Watch Hill Yacht Club permit 2022-11-010. I am hoping that decision makers at our Coastal Resource Management Council review this permit very closely in order to make an informed decision that benefits the environment and the public. There are a number of issues within the scope of this permit that are worthy of great scrutiny.

One issue is that the WHYC proposes to obstruct the Fort Road ROW adopted by the Town of Westerly in 2008 and also cited in the town's Harbor Management Plan and Comprehensive Plan. The scope of the lengthy project will negatively impact public access to the Right of Way and the right to shoreline access that is protected by state law.

The impact is not only in the months of shutting down access to a ROW and thereby surrounding areas. The project size and depths proposed will drastically change the current landscape and sandy beach areas included in the dredging project.

The negative environmental impact of disturbing the sand, silt, sea life, and uncovering and dispersing potential pollutants is a concern. The potential impact of placing the disturbed and removed sea-bed back into the water may also impact water quality and sea life. .

All these potential pitfalls only for the benefit exclusively for members of the WHYC so that they may bring in more and larger vessels into their perceived private sanctuary. (I wonder about the environmental impact that the increased traffic and larger vessels will have on the quality of the sea life in the proposed area as well.)

Please consider these and other potential consequences when reviewing this application. The WHYC seems to disregard the public and exaggerate the domain under its tutelage in asserting it owns all areas within the scope of the project. There is also the perception that they can overlook the public, and to a degree, the environment and wildlife in order to reach egocentric goals.

I appreciate your time and attention to this matter.

Respectfully,

Patrick Cozzolino
13 Milrose Ave
Westerly, RI 02891

Cstaff1

From: joe fiore <jfboss@hotmail.com>
Sent: Thursday, February 16, 2023 7:07 PM
To: cstaff1@crmc.ri.gov
Subject: Watch Hill Yacht Club Dredging Project Permit Application

Greetings,

I am writing in opposition to the proposed Watch Hill Yacht Club dredging project. While reviewing the permit application I noticed some things of concern, including removal of a section of sandy beach often used by the public. The Fort Road Right-of Way is also not mentioned in the application. I checked on the current status of Fort Road and found that it is included in both the Harbor Management Plan, as well as the 2020 Comprehensive Plan. In 2008, by Resolution, the Town Council designated Fort Road as a Town Right of Way. It appears the publics ability to pass on this Right of Way will be impacted by this project, as will future public use. My understanding is that ownership of all impacted areas must be proven and also any impact to public use areas. The disregard for, and taking of public areas is un acceptable. I hope you will reject this project for the above stated reasons.

Thank You,

Joseph Fiore
119 East Ave
Westerly, RI

Cstaff1

From: JEAN GAGNIER <jgagnier@verizon.net>
Sent: Tuesday, February 14, 2023 11:46 AM
To: CRMC Staff
Subject: Fwd: 2022-11-010 application comment

Follow Up Flag: Follow up
Flag Status: Completed

From: JEAN GAGNIER <jgagnier@verizon.net>
Date: February 13, 2023 at 18:42:17 EST
To: CRMC Staff <cstaff@crmc.ri.gov>
Subject: 2022-11-010 application comment

Commissioners,

As a former two term Westerly Town Councilor (2014-2018) Fort Road public access is an issue of great public interest to the citizens of our town and area.

The application makes no mention of the Fort Road ROW, which was designated as a Town ROW by Town Council resolution in 2008. Fort Road is included in the 2016 and 2018 Harbor management Plan and has long been used by Westerly and area residents for generations. The Town of Westerly Comprehensive Plan, approved by the State, includes the Fort Road ROW.

Finally the CRMC application requires proof of ownership of all areas impacted, as well as disclosure of any public land impact. No such proof is provided and as such I would ask that the application be either returned to the applicant for correction or denied by the Commission.

Best regards,
Jean Gagnier
6 Narragansett Ave
Westerly RI 02891
401.932.8586

Sent from my iPhone

Cstaff1

From: James Tarbox <jimtarbox@verizon.net>
Sent: Monday, February 13, 2023 4:09 PM
To: cstaff1@crmc.ri.gov
Subject: File #2022-11-010
Attachments: 2008 FORT ROAD RESOLUTION & CERTIFIED ASSESSOR MAPS OF ROW.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

To the CRMC staff,

I am writing to request the rejection of the Watch Hill Yacht Club dredging permit application 2022-11-010, on the following grounds:

There is no mention of Fort Road in the application even though this Right of Way and it's use by the public will be impacted by the project. The project map shows this valuable ROW being used as a staging area. No proof of ownership by the Watch Hill Yacht Club of all land and marine areas impacted by this project is provided. These are basic requirements for the permit application.

The project photos show a small section of sandy beach that has been used by the public for clamming, bait gathering, and even resting by the shore at lower tide level for as long as I can remember. The project will result in removal of this area in order for the Yacht Club to increase dockage / moorings for more boats, at the expense of of public use.

I have attached the October 2008 Westerly Town Council Resolution adopting Fort Rd. as a Town-designated ROW.

In 2016 and 2019 the Town Council voted to include the Fort Road ROW in the adopted Harbor Management Plan.

In 2020 the Town Council included Fort Road ROW in the State-approved Comprehensive Plan.

Also, in response to citizen requests, the Town of Westerly can provide no documents showing it has repealed the October 2008 resolution designating Fort Road as a Town ROW.

I thank you for your consideration of this matter.

Sincerely,

Jim Tarbox
52 Riverview Ave.
Westerly, RI

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTERLY DECLARING FORT ROAD ON NAPATREE POINT TO BE A PUBLIC RIGHT OF ACCESS IN PERPETUITY

WHEREAS, the Town commissioned a title opinion in December of 2007 to determine what rights the Town and the Public have to access Napatree Point via Fort Road, and

WHEREAS, that title opinion concluded that the owners of parcels along Napatree point are successors in interest to the access way commonly known as Fort Road and further that the land which constitutes Fort Road is in fact owned by those several owners of land on Napatree Point and along Fort Road, and

WHEREAS, the Town is an owner of a parcel of land on Napatree Point and along Fort Road known as Assessor's plat 178 lot 7 and that parcel being owned by the Town, the use of Fort Road as an access way to and across Napatree Point extends to the Public at large, and

WHEREAS, officials of the Watch Hill Fire District, which owns the majority of the land on Napatree Point and that land where Fort Road intersects with Bay Street have consistently said that the Public has an unrestricted right to access Napatree Point via Fort Road, and

WHEREAS, much of Napatree Point consists of 'Public Trust Land' or that area along the shore which is specifically protected for use by the Public in The Rhode Island State Constitution – Article 1, section 17, and

Whereas, historical photographs, town meeting and utility records and other reliable archival information indicates the historic use of Fort Road as a Public access way to Napatree Point, now therefore be it hereby

RESOLVED: That The Town Council of the Town of Westerly does hereby declare that Fort Road on Napatree Point as shown on the Town Assessor's plats # 177, 178, 184 and 185 as a twenty foot wide right of way has been, is and shall be a right of way for access by the Public to pass and re-pass to and from and across Napatree Point in perpetuity.

ADOPTED: October 6, 2008

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTERLY DECLARING FORT ROAD ON NAPATREE POINT TO BE A PUBLIC RIGHT OF ACCESS IN PERPETUITY

WHEREAS, the Town commissioned a title opinion in December of 2007 to determine what rights the Town and the Public have to access Napatree Point via Fort Road, and

WHEREAS, that title opinion concluded that the owners of parcels along Napatree point are successors in interest to the access way commonly known as Fort Road and further that the land which constitutes Fort Road is in fact owned by those several owners of land on Napatree Point and along Fort Road, and

WHEREAS, the Town is an owner of a parcel of land on Napatree Point and along Fort Road known as Assessor's plat 178 lot 7 and that parcel being owned by the Town, the use of Fort Road as an access way to and across Napatree Point extends to the Public at large, and

WHEREAS, officials of the Watch Hill Fire District, which owns the majority of the land on Napatree Point and that land where Fort Road intersects with Bay Street have consistently said that the Public has an unrestricted right to access Napatree Point via Fort Road, and

WHEREAS, much of Napatree Point consists of 'Public Trust Land' or that area along the shore which is specifically protected for use by the Public in The Rhode Island State Constitution – Article 1, section 17, and

Whereas, historical photographs, town meeting and utility records and other reliable archival information indicates the historic use of Fort Road as a Public access way to Napatree Point, now therefore be it hereby

RESOLVED: That The Town Council of the Town of Westerly does hereby declare that Fort Road on Napatree Point as shown on the Town Assessor's plats # 177, 178, 184 and 185 as a twenty foot wide right of way has been, is and shall be a right of way for access by the Public to pass and re-pass to and from and across Napatree Point in perpetuity.

ADOPTED:

Town of Westerly
Rhode Island

OFFICE OF THE TOWN ASSESSOR
David B. Thompson, Town Assessor

Town Hall
45 Broad Street
Westerly, RI 02891
TEL: (401) 348-2544
FAX: (401) 348-2616

July 22, 2022

Attorney Anthony Palazzola
285 Pendleton Hill Road #100
North Stonington, CT 06359

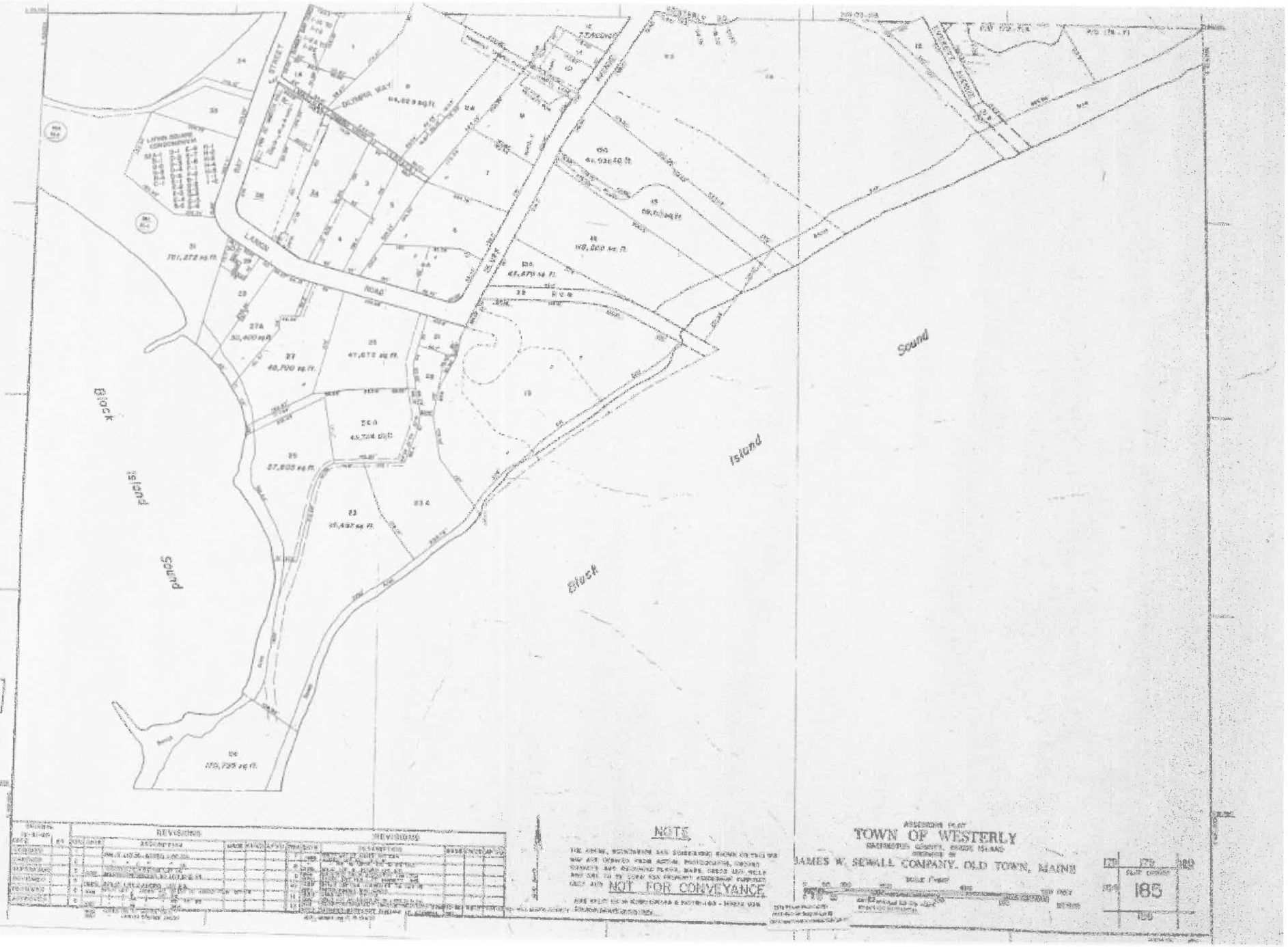
Dear Attorney Palazzola,

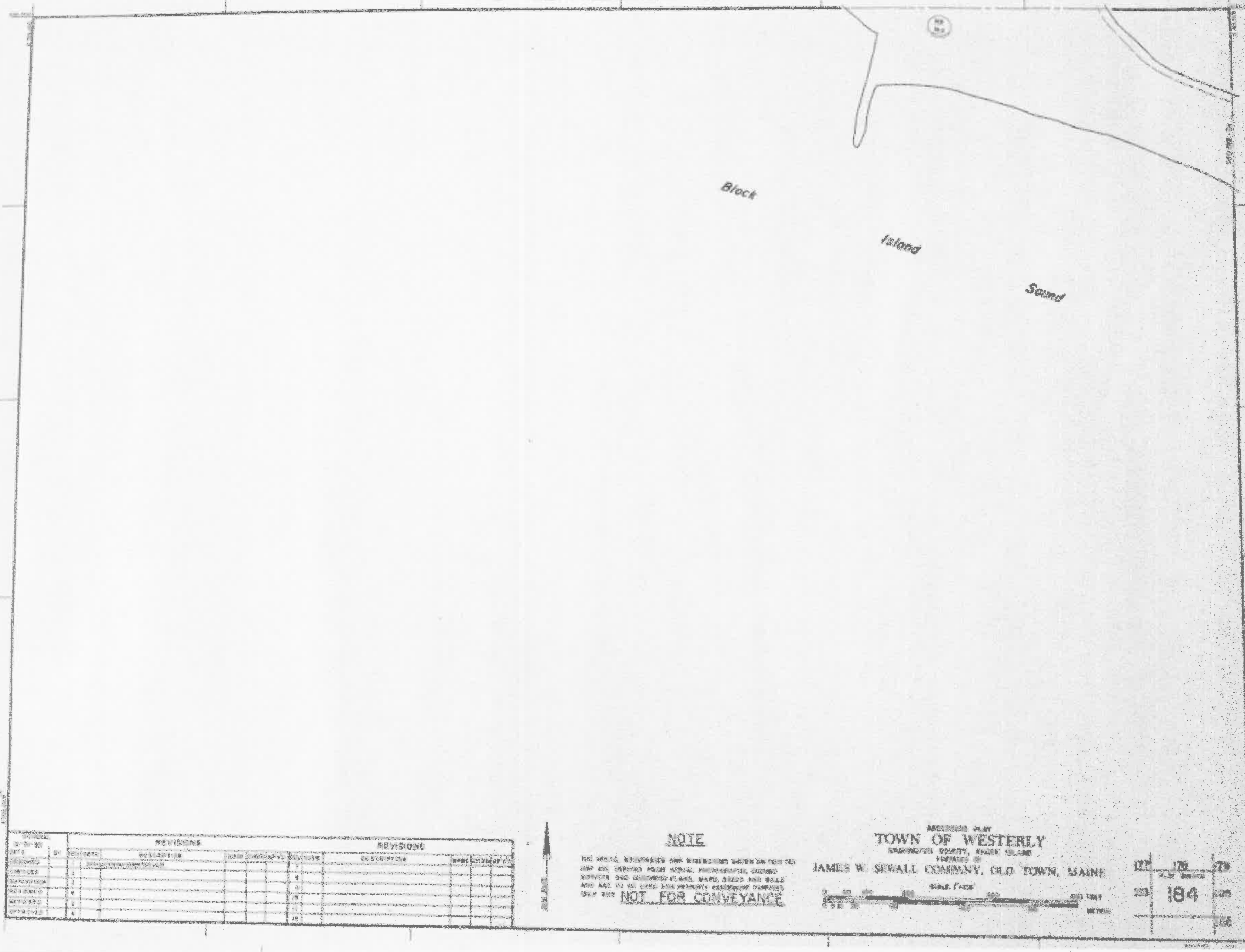
Please be advised that the certified copies of Westerly Maps 178, 184, and 185 were in use during the entirety of 2008.

If you should need anything further please do not hesitate to contact this office at your convenience.

Sincerely,

David B. Thompson
Westerly Town Assessor


Block Island Sound
Block Island Sound
LARSON ROAD
OLYMPIA WAY
NOTE
NOT FOR CONVEYANCE
TOWN OF WESTERLY
JAMES W. SEWALL COMPANY, OLD TOWN, MAINE
185



NOTE

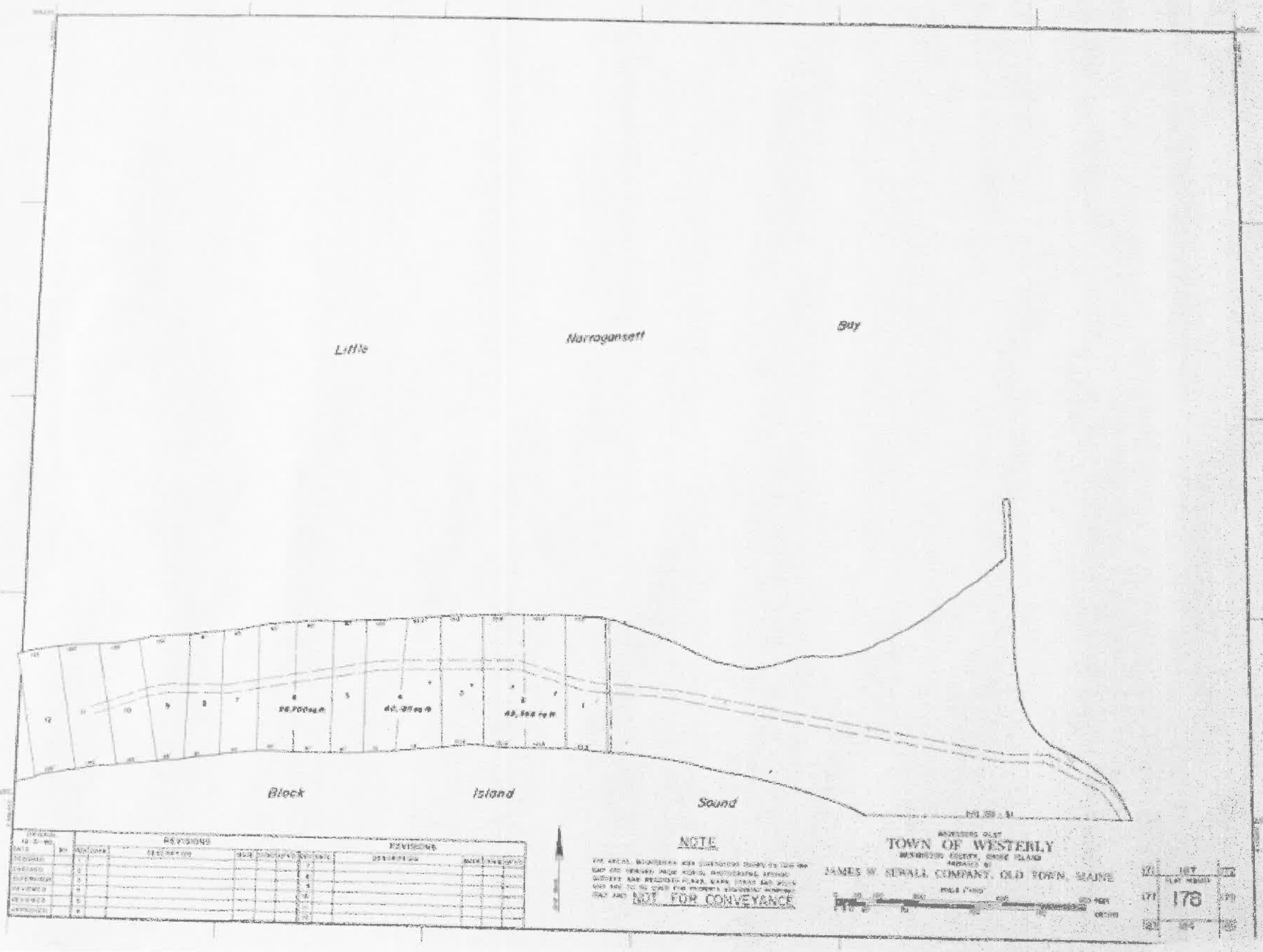
[illegible]

NOT FOR CONVEYANCE

ASSESSORS PLAT
TOWN OF WESTERLY
WASHINGTON COUNTY, RHODE ISLAND
PREPARED BY
JAMES W. SEWALL COMPANY, OLD TOWN, MAINE

Certified to be a true copy of the original with the Town Assessor.
Date:

Notary Public, State of Rhode Island


Little
Narragansett
Bay
Block
Island
Sound
NOTE
NOT FOR CONVEYANCE
TOWN OF WESTERLY
JAMES W. SEWALL COMPANY, OLD TOWN, MAINE
178